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

PART 702

RCRA AND UIC PERMIT PROGRAMS

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AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18585, effective December 7, 2000; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 438, effective December 20, 2006; amended in R11-2/R11-16 at 35 Ill. Reg. 17647, effective October 14, 2011; amended in R11-14 at 36 Ill. Reg. 1588, effective January 20, 2012; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20953, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15047, effective September 3, 2020.

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, Scope, and Applicability

a) Coverage

1) The permit regulations of 35 Ill. Adm. Code 702 through 705 include provisions for the following two permit programs:

A) The RCRA (Resource Conservation and Recovery Act) permit program pursuant to Title V and Title X of the Environmental Protection Act.

B) The UIC (Underground Injection Control) permit program pursuant to Title III and Title X of the Environmental Protection Act.

2) The regulations of 35 Ill. Adm. Code 702 through 705 cover basic permitting requirements (35 Ill. Adm. Code 702 through 704) and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.

3) The regulations of 35 Ill. Adm. Code 702 through 705 are derived from 40 CFR 124, 144, and 270.

b) Structure

1) The regulations of 35 Ill. Adm. Code 702 through 705 comprise the following four Parts:

A) This Part contains definitions applicable to 35 Ill. Adm. Code 702 through 705. It also contains basic permitting requirements for the RCRA and UIC programs.

B) The regulations of 35 Ill. Adm. Code 703 contain requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.

C) The regulations of 35 Ill. Adm. Code 704 contain requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704, 35 Ill. Adm. Code 704 will control.

D) The regulations of 35 Ill. Adm. Code 705 establish procedures for issuance of RCRA and UIC permits by the Agency.

2) The structure and coverage of 35 Ill. Adm. Code 702 through 704 are indicated in the following table:

	RCRA and UIC	RCRA Subpart of	UIC Subpart of

	Subpart of 35 Ill. Adm. Code 702	35 Ill. Adm. Code 703	35 Ill. Adm. Code 704
General	A	A	A
Prohibitions	—	B	B
Authorization by Rule	—	C	C
Permit Application	B	D	D
Special Forms of Permits	—	E	—
Permit Conditions	C	F	E
Issued Permits	D	—	H
Permit Modification	—	G	—
Remedial Action Plans	—	H	—
Integration with MACT Standards	—	I	—
RCRA Standardized Permits	—	J	—
Requirements Applicable to Hazardous Waste Injection Wells	—	—	F
Financial Responsibility for Class I Hazardous Waste Injection Wells	—	—	G
Requirements Applicable to Class V Injection Wells	—	—	I
Requirements Applicable to Class VI Injection Wells	—	—	J

c) Relation to Other Requirements

1) Permit application forms. An applicant for a RCRA or UIC permit or a person seeking interim status under RCRA must submit its application on an Agency permit application form when such is available.

2) Technical regulations. Each of the two permit programs that are covered in these permit regulations has separate additional regulations that contain technical requirements for that program. These separate regulations are used by the Agency to determine the requirements that must be placed in any permit that it issues. These separate regulations are located as follows:

RCRA 35 Ill. Adm. Code 724 and 726 through 728

BOARD NOTE: Derived in significant part from 40 CFR 144.1 and 270.1 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.102 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3 and 145.11(a)(33), as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.103 Trade Secret or Non-Disclosable Information Submitted to the Agency or Board

a) In accordance with Section 7 of the Environmental Protection Act, and as federally required by 40 CFR 2, a person submitting certain information to the Agency or Board pursuant to this Part and 35 Ill. Adm. Code 703 through 705 may claim that information as trade secret or non-disclosable information. Any such claim of trade secret or non-disclosable information must be asserted at the time of submission in the manner prescribed by 35 Ill. Adm. Code 130. If no claim is made at the time of submission, the Agency or Board may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with 35 Ill. Adm. Code 130 and Board and Agency procedures.

b) Claims of trade secret or non-disclosable information for the following information will be denied:

1) The name and address of any permit applicant or permittee;

2) The identity of substances being placed or to be placed in landfills or hazardous waste treatment, storage, or disposal facilities; and

3) For UIC permits, information that deals with the existence, absence, or level of contaminants in drinking water.

BOARD NOTE: Derived from 40 CFR 144.5 and 270.12 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.104 References

The centralized incorporation by reference provisions of 35 Ill. Adm. Code 720.111 include the incorporation of all documents by reference that are used to establish compliance with the requirements of the Illinois RCRA and UIC programs.

BOARD NOTE: This Section corresponds with 40 CFR 270.6 (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.105 Rulemaking

a) Identical-in-Substance Regulations

1) Generally applicable federal rules. Twice each year, the Board reserves identical-in-substance rulemaking dockets pursuant to Sections 7.2, 13(c), and 22.4(a) of the Act. The Board's intent is generally to include all federal RCRA or UIC amendments that occurred in the appropriate of the prior concluded update periods of January 1 through June 30 or July 1 through December 31. The Board reviews the federal actions that occurred in the period of interest and includes those that require Board action in the reserved docket. The Board itself initiates any necessary amendments to the RCRA or UIC program, so no person needs to file a rulemaking proposal for the included amendments. The Board routinely excludes from these identical-in-substance proposals those federal amendments that pertain to facilities or activities that exist or occur outside Illinois.

2) The Board does not generally include site-specific federal amendments in an identical-in-substance rulemaking proposal without a request from a member of the regulated community. The owner or operator of a facility subject to a site-specific federal rule that wishes the Board to incorporate that rule into the Illinois regulations should submit a request to the Clerk of the Board for inclusion of that site-specific rule in a future identical-in-substance rulemaking proposal. Any person wishing such inclusion may petition the Board to adopt appropriate amendments to the Illinois RCRA or UIC program pursuant to Sections 7.2 and 13(c) or 22.4(a) of the Act. The petition must take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 101 and 102. The proposal must include a listing of all amendments of interest to the petitioner together with copies of the Federal Register notices on which the amendments are to be based.

b) Other Regulations. With respect to the Illinois RCRA or UIC program or permit issuance, any person may petition the Board to adopt amendments or additional regulations that are not identical in substance to federal regulations. Such proposal must conform to 35 Ill. Adm. Code 101 and 102 and Sections 13(d), 22.4(b) and (c), and Title VII of the Act.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.106 Adoption of Agency Criteria

a) The Agency may, in its sole discretion, adopt criteria that will give guidance to the public as to what it will approve in RCRA and UIC permit applications and as to what conditions it will impose in permit issuance. The statutory authority for the Agency adopting such criteria is the Agency's authority to issue permits pursuant to Sections 4 and 39 of the Act, and the requirement of the Administrative Procedure Act [5 ILCS 100] that agencies codify as rules those policies or interpretations of general applicability that affect persons outside the Agency.

b) With respect to review of permit applications and establishment of permit conditions, the Agency must adopt as criteria any policies and interpretations of general applicability that affect persons outside the Agency.

c) Any criteria that the Agency adopts must include each of the following:

1) Clear references to related provisions of the Act and Board regulations;

2) A statement that the criteria are not Board regulations;

3) A statement that the criteria apply only to review of permit applications and establishment of conditions; and

4) Procedures to be followed if an applicant wishes to deviate from Agency criteria.

d) For purposes of permit issuance, proof of compliance with Agency-adopted criteria is prima facie proof of compliance with related provisions of the appropriate Act and Board regulations. However, persons other than the Agency may challenge Agency-adopted criteria as applied in the context of permit issuance.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.107 Permit Appeals and Review of Agency Determinations

Unless the contrary intention is indicated, all actions taken by the Agency pursuant to 35 Ill. Adm. Code 702 through 704, 721 through 728, 730, 733, 738, or 739 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705.

a) Any final Agency action on an original permit application, a proceeding for modification of an issued permit, or any action for review of a final Agency determination required by these regulations may be appealed to the Board

pursuant to Title X of the Environmental Protection Act and 35 Ill. Adm. Code 105 and 705.212.

b) Other actions that are not required by these regulations, whether undertaken by the Agency gratuitously or pursuant to a statutory authorization, such as one taken to enforce a bond, insurance policy, or similar instrument of a contractual nature or one intended to guide a regulated person in seeking compliance with the regulations, may not be permit modifications reviewable by the Board. The affected person may seek review of an Agency determination that is not a permit determination in any court of competent jurisdiction.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.108 Variances and Adjusted Standards

a) The Agency has no authority to issue any permit that is inconsistent with Board regulations. If an applicant seeks a permit that would authorize actions that are inconsistent with Board regulations, including delayed compliance dates, the applicant should file for either of the following two forms of relief:

1) A petition for a variance pursuant to Title IX of the Environmental Protection Act (Act) and Subtitle B of 35 Ill. Adm. Code 104; or

2) A petition for an adjusted standard pursuant to Section 28.2 of the Act and Subtitle D of 35 Ill. Adm. Code 104.

b) The Agency must file a recommendation within prescribed times following the filing of a petition for a variance or adjusted standard. The recommendation must include a draft of the language the Agency proposes to include in the permit if its recommendation is accepted.

c) If the Board grants a variance or adjusted standard, it will order the Agency to issue or modify the permit pursuant to the variance.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.109 Enforcement Actions

Any person may file a civil complaint with the Board alleging violation of the RCRA or UIC regulations, a permit requirement, or permit conditions, pursuant to Title VIII of the Act and 35 Ill. Adm. Code 103.

a) A formal complaint filed with the Board will initiate a civil enforcement action in which the complainant bears the burden of proving that the respondent committed the alleged violations.

b) The Board will forward any informal complaint to the Agency, and the Agency must investigate the alleged violations set forth in the complaint.

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

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 and regulations, as such are defined in this Section. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

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

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency pursuant to 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) (RCRA), the federal Safe Drinking Water Act (42 USC 300f et seq.) (SDWA), or the Environmental Protection Act, whichever is applicable, and the applicable regulations promulgated under those statutes.

"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA pursuant to 40 CFR 271 (RCRA) or section 1422 of the SDWA (42 USC 300h-1) (UIC).

"Aquifer" (RCRA and UIC) means a geologic 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 (one-quarter of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" (RCRA and UIC) means the Illinois Pollution Control Board.

"Cesspool" (UIC) means a drywell that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a Hazardous waste management facility pursuant to 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

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

"Corrective action management unit" or "CAMU" (RCRA) means an area within a facility that is designated by the Agency pursuant to Subpart S of 35 Ill. Adm. Code 724 for the purpose of implementing corrective action requirements pursuant to 35 Ill. Adm. Code 724.201 and RCRA section 3008(h) (42 USC 6928(h)). A CAMU must only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility. BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" (RCRA and UIC) means the Clean Water Act (33 USC 1251 et seq.), as amended.

"Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency or the Director's designee.

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

"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. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" (RCRA and UIC) means a document prepared pursuant to 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, 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.

"Drywell" (UIC) means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"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" (RCRA) means a device of which the following is true:

It is used for neutralizing wastes that 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 only for this reason; and

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

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

"Environmental Protection Agency" or "EPA" or "USEPA" (RCRA and UIC) means the United States Environmental Protection Agency.

"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, 704.104, and 704.123(b).

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

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

Either of the following has transpired:

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

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

"Existing injection well" (UIC) means an injection well that is not a new injection well.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" (RCRA and UIC) 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 Illinois RCRA or UIC program.

"Federal, State, and local approvals or permits necessary to begin physical construction" (RCRA) means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Fluid" (UIC) means any material or substance that 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 that 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.

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces hazardous waste.

"Geologic sequestration" means the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in a subsurface geologic formation. This term does not apply to carbon dioxide capture or transport.

"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" or "HWM facility" (RCRA) 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.

"Improved sinkhole" (UIC) means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

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

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

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

"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 that contains the information required by Subpart B of 35 Ill. Adm. Code 722.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements pursuant to Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310. The term includes an approved program.

"New HWM facility" (RCRA) means a hazardous waste management facility that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a well that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois. BOARD NOTE: See 40 CFR 147.700 (2017) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

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

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private rights-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 rights-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that 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 program.

"Permit" means an authorization, license, or equivalent control document issued to implement this Part and 35 Ill. Adm. Code 703, 704, and 705. "Permit" includes RCRA permit by rule (35 Ill. Adm. Code 703.141), RCRA standardized permit (35 Ill. Adm. Code 703.238), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that 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, agency, or assigns.

"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.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box—the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means publicly owned treatment works.

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

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in table II, column 2 in appendix B to 10 CFR 20, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" (RCRA) means the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.). For the purposes of regulation pursuant to 35 Ill. Adm. Code 700 through 705, 720 through 728, 733, 738, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" (RCRA) means a permit required pursuant to Section 21(f) of the Act.

"RCRA standardized permit" (RCRA) means a RCRA permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 705 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued for all RCRA standardized permits and a supplemental portion issued at the discretion of the Agency.

"Regional Administrator" (RCRA and UIC) means the Regional Administrator of the USEPA Region in which the facility is located or the Regional Administrator's designee.
BOARD NOTE: Illinois is in USEPA Region 5.

"Remedial action plan" or "RAP" (RCRA) means a special form of RCRA permit that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703, instead of a RCRA permit issued pursuant to this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" (UIC) means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance" (RCRA and UIC) 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.

"SDWA" (UIC) means the Safe Drinking Water Act (42 USC 300f et seq.).

"Septic system" (UIC) means a well, as defined in this Section, that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" (RCRA and UIC) 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" (RCRA and UIC) means "Standard Industrial Classification code". This is the code assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as set forth in its publication, "Standard Industrial Classification Manual", incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" (RCRA and UIC) means the State of Illinois.

"State Director" (RCRA and UIC) means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" (RCRA and UIC) means an agreement between the Regional Administrator and the State that coordinates USEPA 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 of, or stored elsewhere.

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

"Subsurface fluid distribution system" (UIC) means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136.3 (Identification of Test Procedures; the method for filterable residue), incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" (RCRA) means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"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" (UIC) means the Underground Injection Control program.

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

"Underground source of drinking water" or "USDW" (RCRA and UIC) means an aquifer or its portion that is not an exempted aquifer and of which either of the following is true:

It supplies any public water system; or

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

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/ℓ total dissolved solids.

"USDW" (RCRA and UIC) means an underground source of drinking water.

"Wastewater treatment unit" (RCRA) means a device of which the following is true:

It is part of a wastewater treatment facility that is subject to regulation pursuant to Subpart A of 35 Ill. Adm. Code 309 or 35 Ill. Adm. Code 310; and

It receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

It meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a well.

BOARD NOTE: Derived from 40 CFR 124.2, 144.3, and 270.2 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application

a) Applying for a UIC Permit. Any person that is required to have a permit (including new applicants and permittees with expiring permits) must complete, sign, and submit an application to the Agency as described in this Section and in 35 Ill. Adm. Code 704.161 (UIC). Any person that is currently authorized with UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704) must apply for a permit when required to do so by the Agency. The procedure for application, issuance, and administration of an emergency permit is found exclusively in 35 Ill. Adm. Code 704.163 (UIC).

b) Applying for a RCRA Permit. The following information outlines how to obtain a permit and where to find requirements for specific permits:

1) If the facility is covered by RCRA permits by rule (35 Ill. Adm. Code 703.141), the owner or operator needs not apply for a permit.

2) If the facility owner or operator currently has interim status pursuant to RCRA (Subpart C of 35 Ill. Adm. Code 703), it must apply for a permit when required by the Agency.

3) If the facility owner or operator is required to have a permit (including new applicants and permittees with expiring permits), it must complete, sign, and submit an application to the Agency, as described in this Section; in Sections 702.121 through 702.124; and in 35 Ill. Adm. Code 703.125, 703.126, 703.150 through 703.157, 703.186, and 703.188.

4) If the facility owner or operator is seeking an emergency permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.220.

5) If the facility owner or operator is seeking a research, development, and demonstration permit, the procedures for application, issuance, and administration are found exclusively in 35 Ill. Adm. Code 703.231.

6) If the facility owner or operator is seeking a RCRA standardized permit, the procedures for application and issuance are found in Subpart G of 35 Ill. Adm. Code 705 and Subpart J of 35 Ill. Adm. Code 703.

BOARD NOTE: Subsection (a) is derived from 40 CFR 144.31(a) (2017), and subsection (b) is derived from 40 CFR 270.10(a) (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.121 Who Applies

When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner must also sign the permit application.

BOARD NOTE: Derived from 40 CFR 144.31(b) (1993) and 270.10(b) (1992).

(Source: Amended at 18 Ill. Reg. 18284, effective December 20, 1994)

Section 702.122 Completeness

The Agency must not issue a permit under a program (RCRA or UIC) before receiving a complete application for a permit under that program, except for emergency permits. An application for a permit under a program is complete when the Agency receives an application form and any supplemental information that is completed to its satisfaction. (35 Ill. Adm. Code 705.122). An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in 35 Ill. Adm. Code 703.186 (RCRA).

BOARD NOTE: Derived from 40 CFR 144.31(d) and 270.10(c) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.123 Information Requirements

An applicant for a RCRA or UIC Class I, III, or V permit must provide the following information to the Agency, using the application form provided by the Agency (additional information required of applicants is set forth in Subpart D of 35 Ill. Adm. Code 703 (RCRA) and 35 Ill. Adm. Code 704.161 (UIC)). An applicant for a Class VI injection well permit must follow the criteria provided in 35 Ill. Adm. Code 730.182.

a) The activities conducted by the applicant that require it to obtain a permit under RCRA or UIC.

b) The name, mailing address, and location of the facility for which the application is submitted.

c) Up to four SIC codes that 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) This subsection (e) corresponds with 40 CFR 144.31(e)(5) and 270.13(f), relating to facilities on Indian lands. The Board has replaced the corresponding federal text with this statement to maintain structural parity with the corresponding federal rules.

f) A listing of all permits or construction approvals received or applied for under any of the following programs:

1) The hazardous waste management program under RCRA, this Part, and 35 Ill. Adm. Code 703;

2) The UIC program under SDWA, this Part, and 35 Ill. Adm. Code 704;

3) The National Pollutant Discharge Elimination System (NPDES) program under the federal CWA (33 USC 1251 et seq.) and 35 Ill. Adm. Code 309;

4) The Prevention of Significant Deterioration (PSD) program under the federal Clean Air Act (42 USC 7401 et seq.);

5) The nonattainment program under the federal Clean Air Act;

6) The National Emission Standards for Hazardous Pollutants (NESHAPs) preconstruction approval under the federal Clean Air Act;

7) Any ocean dumping permits under the federal Marine Protection Research and Sanctuaries Act (33 UCS 1401 et seq.);

8) Any dredge or fill permits under Section 404 of CWA (33 USC 1344); and

9) Any other relevant environmental permits, including any State-issued permits.

g) A topographic map (or other map if a topographic map is unavailable) extending 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 which are otherwise known to the applicant within 402 meters (one-quarter mile) of the facility property boundary.

h) A brief description of the nature of the business.

BOARD NOTE: Derived from 40 CFR 144.31(e)(1) through (e)(8); 270.10(d); and 270.13(a) through (d), (f), and (k) through (m) (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.124 Recordkeeping

An applicant must keep records of all data used to complete permit applications and any supplemental information submitted pursuant to 35 Ill. Adm. Code 702.123, Subpart D of 35 Ill.

Adm. Code 703 (RCRA); and 35 Ill. Adm. Code 704.161 (UIC) for a period of at least three years from the date the application is signed.

BOARD NOTE: Derived from 40 CFR 144.31(f) and 270.10(i) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.125 Continuation of Expiring Permits

a) The conditions of an expired permit continue in force until the effective date of a new permit (see 35 Ill. Adm. Code 705.201) if both of the following conditions are fulfilled:

1) The permittee has submitted a timely application pursuant to 35 Ill. Adm. Code 703.181 (RCRA) or 704.161 (UIC) that is a complete (pursuant to Section 702.122) application for a new permit; and

2) The Agency, through no fault of the permittee, does not issue a new permit with an effective date pursuant to 35 Ill. Adm. Code 705.201 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

b) Effect. Permits continued pursuant to this Section remain fully effective and enforceable.

c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit, the Agency may choose to do any or all of the following:

1) Initiate enforcement action based upon the permit that has been continued;

2) Issue a notice of intent to deny the new permit pursuant to 35 Ill. Adm. Code 705.141. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

3) Issue a new permit pursuant to 35 Ill. Adm. Code 705 with appropriate conditions; or

4) Take other actions authorized by the Environmental Protection Act, or regulations adopted thereunder.

d) This subsection (d) corresponds with 40 CFR 144.37(d) and 270.51(d), which pertain to continuation of USEPA-issued permits until disposition of a permit application filed with an authorized state. A corresponding provision is unnecessary in the Illinois regulations. This statement maintains structural consistency with the corresponding federal rules.

e) RCRA Standardized Permits

1) The conditions of an owner's or operator's expired RCRA standardized permit continue until the effective date of its new permit (see 35 Ill. Adm. Code 705.201) if all of the following conditions are fulfilled:

A) If the Agency is the permit-issuing authority;

B) If the owner or operator has submitted a timely and complete Notice of Intent pursuant to 35 Ill. Adm. Code 705.301(a)(2) requesting coverage under a RCRA standardized permit; and

C) If the Agency, through no fault of the owner or operator, does not issue the permit before the previous permit expires (for example, where it is impractical to make the permit effective by that date because of time or resource constraints).

2) In some instances, the Agency may notify the owner or operator that it is not eligible for a RCRA standardized permit (see 35 Ill. Adm. Code 705.302(c)). In such an instance, the conditions of the owner's or operator's expired permit will continue if the owner or operator submits the information specified in subsection (a)(1) (that is, a complete application for a new permit) within 60 days after it receives an Agency notification that the owner or operator is not eligible for a RCRA standardized permit.

BOARD NOTE: Derived from 40 CFR 144.37 and 270.51 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.126 Signatories to Permit Applications and Reports

a) Applications. A permit application must be signed as follows:

1) For a corporation: a permit application must be signed by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means either of the following persons:

A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person that 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 subsection (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 pursuant to subsection (a)(1)(B), rather than to specific individuals.

2) For a partnership or sole proprietorship: a permit application must be signed by a general partner or the proprietor, respectively; or

3) For a municipality, State, federal, or other public agency: a permit application must be signed by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency includes either of the following persons:

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 must be signed by a person described in subsection (a), or by a duly authorized representative of that person. A person is a duly authorized representative only if each of the following conditions are fulfilled:

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

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 pursuant to subsection (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

subsection (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

1) Any person signing a document pursuant to subsection (a) or (b) must make the following certification:

> 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 that 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.

2) Alternative Owner Certification. For remedial action plans (RAPs) pursuant to Subpart H, if the operator certifies according to subsection (d)(1), then the owner may choose to make the following certification instead of the certification in subsection (d)(1):

> Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information 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: Derived from 40 CFR 144.32 and 270.11 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

SUBPART C: PERMIT CONDITIONS

Section 702.140 Conditions Applicable to all Permits

The conditions of this Subpart C apply to all RCRA and UIC permits. For additional conditions applicable to all permits for each of the programs individually, see Subpart F of 35 Ill. Adm. Code 703 (RCRA) and Subpart E of 704 (UIC). All conditions applicable to all permits and all additional conditions applicable to all permits for individual programs must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

BOARD NOTE: Derived from 40 CFR 144.51 preamble and 270.30 preamble (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.141 Duty to Comply

The permittee must comply with all conditions of its permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and is grounds for one or more of the following actions: for an enforcement action, for permit revocation or modification, or for denial of a permit renewal application.

BOARD NOTE: Sections 703.242 (RCRA) and 704.181(a) (UIC) contain additional information on operation under an emergency permit. Derived from 40 CFR 144.51(a) and 270.30(a) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.142 Duty to Reapply

If a permittee wishes to continue an activity regulated by its permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.

BOARD NOTE: Derived from 40 CFR 144.51(b) and 270.30(b) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.143 Need to Halt or Reduce Activity Not a Defense

It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of its permit.

BOARD NOTE: Derived from 40 CFR 144.51(c) and 270.30(c) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.144 Duty to Mitigate

a) For RCRA permits, in the event of noncompliance with its permit, the permittee must take all reasonable steps to minimize releases to the environment, and must carry out such measures as are reasonable to preventsignificant adverse impacts on human health or the environment.

b) For UIC permits, the permittee must take all reasonable steps to minimize or correct any adverse impact on the environment resulting from non-compliance with its permit.

BOARD NOTE: Derived from 40 CFR 144.51(d) and 270.30(d) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.145 Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of its permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

BOARD NOTE: Derived from 40 CFR 144.51(e) and 270.30(e) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.146 Permit Actions

A permit may be modified or revoked for cause. The filing of a request by the permittee for a permit modification or reissuance, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

BOARD NOTE: Derived from 40 CFR 144.51(f) and 270.30(f) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.147 Property Rights

A permit conveys no property rights of any sort, nor does a permit convey any exclusive privilege.

BOARD NOTE: Derived from 40 CFR 144.51(g) and 270.30(g) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.148 Duty to Provide Information

A permittee must furnish to the Agency, within a reasonable time, any relevant information that the Agency may request to determine whether cause exists for modifying or reissuing this permit or to determine compliance with this permit. The permittee must also furnish to the Agency, upon request, copies of records required to be kept by this permit.

BOARD NOTE: Derived from 40 CFR 144.51(h) and 270.30(h) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.149 Inspection and Entry

A permittee must allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to do any of the following:

a) Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate Act, any substances or parameters at any location.

BOARD NOTE: Derived from 40 CFR 144.51(i) and 270.30(i) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.150 Monitoring and Records

a) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

b) The permittee must 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 its permit; and records of all data used to complete the application for its permit for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Agency at any time.

c) Records of monitoring information must include all of the following information:

1) The date, exact place, and time of sampling or measurements;

2) The individuals who performed the sampling or measurements;

3) The dates analyses were performed;

4) The individuals who performed the analyses;

5) The analytical techniques or methods used; and

6) The results of such analyses.

d) The owner or operator of a Class VI injection well must retain records as specified in Subpart H of 35 Ill. Adm. Code 730, including Sections 730.184(g), 730.191(f), 730.192(d), 730.193(f), and 730.193(h).

BOARD NOTE: Derived from 40 CFR 144.51(j) and 270.30(j) (2011).

(Source: Amended at 36 Ill. Reg. 1588, January 20, 2012)

Section 702.151 Signature Requirements

All applications, reports, or information submitted to the Agency must be signed and certified in accordance with Section 702.126.

BOARD NOTE: Derived from 40 CFR 144.51(k) and 270.30(k) (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.152 Reporting Requirements

a) Planned Changes. The permittee must 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 must give advance notice to the Agency of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. For RCRA, see also 35 Ill. Adm. Code 703.247.

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 Sections 702.182 and 702.183, in some cases modification is mandatory.)

d) Monitoring Reports. Monitoring results must 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 must be submitted no later than specified in Section 702.162.

f) Twenty-four hour reporting as required in 35 Ill. Adm. Code 703.245 or 704.181(d).

g) Other Noncompliance. The permittee must report all instances of noncompliance not reported under subsections (d), (e), and (f) at the time monitoring reports are submitted. The reports must contain the information referenced in subsection (f).

h) Other Information. If the permittee becomes aware that it failed to submit any relevant facts in a permit application or that it submitted incorrect information in a permit application or in any report to the Agency, the permittee must promptly submit such facts or information.

BOARD NOTE: Derived from 40 CFR 144.51(l) and 270.30(l).

(Source: Amended at 44 Ill. Reg. 15047, effective September 3, 2020)

Section 702.160 Establishing Permit Conditions

a) In addition to conditions required in permits for both programs (Sections 702.140 through 702.152), the Agency must establish conditions in RCRA and UIC permits, as required on a case-by-case basis, pursuant to Section 702.150 (monitoring and records), Section 702.161 (duration of permits), Section 702.162 (schedules of compliance), Section 702.163 (alternate schedules of compliance), and Section 702.164 (Recording and Reporting). For UIC only, permits for owners and operators of hazardous waste injection wells must include conditions meeting the requirements of 35 Ill. Adm. Code 704.201 through 704.203 (requirements for wells injecting hazardous waste), 704.189 (financial responsibility), and 704.191 (additional conditions), and Subpart G of 35 Ill. Adm. Code 730 (criteria and standards applicable to Class I hazardous waste injection wells). Permits for other wells must contain the requirements set forth in Subpart E of 35 Ill. Adm. Code 704 (permit conditions) when applicable.

b) Additional conditions.

1) In addition to conditions required in all permits for a particular program (Subpart F of 35 Ill. Adm. Code 703 for RCRA and Subpart C of 35 Ill. Adm. Code 704 for UIC), the Agency must establish conditions in permits for the individual programs, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the appropriate act and regulations.

2) An applicable requirement is a statutory or regulatory requirement that takes effect prior to final administrative disposition of a permit. The provisions of 35 Ill. Adm. Code 705.184 (reopening of comment period) provide a means for reopening permit proceedings at the discretion of the Agency where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. An applicable requirement is also any requirement that takes effect prior to the modification of a permit, to the extent allowed in 35 Ill. Adm. Code 705.201.

3) A new or reissued permit, and a modified permit to the extent allowed pursuant to 35 Ill. Adm. Code 705.201, must incorporate each of the applicable requirements referenced in Subpart F of 35 Ill. Adm. Code 703 (RCRA) and Subpart E of 35 Ill. Adm. Code 704 (UIC).

c) Incorporation. All permit conditions must be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

BOARD NOTE: Derived from 40 CFR 144.52 and 270.32 (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

Section 702.161 Duration of Permits

a) Permit duration.

1) RCRA. A RCRA permit must be effective for a fixed term to be determined by the Agency on a case-by-case basis, but not to exceed 10 years.

2) UIC. A UIC permit for a Class I or Class V injection well must be effective for a fixed term to be determined by the Agency on a case-by-case basis, but not to exceed 10 years. A UIC permit for a Class III injection well must be issued for a period not to exceed five years; provided, however, that the Agency must, without requiring a new application, renew such permits for a period not to exceed five years per renewal, up to the operating life of the facility, unless the Agency determines that the permit should be modified, reissued, or a minor modification made, as provided in Sections 702.183 through 702.187, in which case the permittee must file a new permit application. A UIC permit for a Class VI injection well must be issued for a period not to exceed five years; provided, however, that the Agency must, without requiring a new application, renew a Class VI injection well permit for a period not to exceed five years per renewal, up to the operating life of the facility and the post-injection site care period, unless the Agency determines that the permit should be modified, reissued, or a minor modification made, as provided in Sections 702.183 through 702.187, in which case the permittee must file a new permit application.

b) Except as provided in Section 702.125, the term of a permit must not be extended by modification beyond the maximum duration specified in this Section.

c) The Agency may issue any permit for a duration that is less than the full allowable term pursuant to this Section.

d) The Agency must review each RCRA permit for a land disposal facility no later than five years after the date of permit issuance or reissuance, and the Agency must modify the permit as necessary, as provided in Section 702.183 and 702.184.

BOARD NOTE: Derived from 40 CFR 144.36 and 270.50 (2011).

(Source: Amended at 36 Ill. Reg. 1588, January 20, 2012)

Section 702.162 Schedules of Compliance

The permit may, when appropriate, specify a schedule of compliance leading to compliance with the appropriate act and regulations.

a) Time for Compliance. Any schedules of compliance pursuant to this Section must require compliance as soon as possible. For UIC, in addition, schedules of compliance must require compliance not later than three years after the effective date of the permit.

b) Interim Dates. If a permit establishes a schedule of compliance that exceeds one year from the date of permit issuance, the schedule must set forth interim requirements and the dates for their achievement.

1) The time between interim dates must not exceed one year.

2) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit must specify interim dates for the submission of reports of progress toward compliance of the interim requirements and indicate a projected completion date.

c) Reporting. A RCRA permit must be written to require that no later than 14 days following such interim date and the final date of compliance, the permittee must notify the Agency in writing of its compliance or noncompliance with the interim or final requirements. A UIC permit must be written to require that, if subsection (a) is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

d) The Agency may not permit a schedule of compliance involving violation of regulations adopted by the Board unless the permittee has been granted a variance. To avoid delay, an applicant seeking a schedule of compliance should file a variance petition pursuant to Subpart B of 35 Ill. Adm. Code 104 at the same time the permit application is filed.

BOARD NOTE: Derived from 40 CFR 144.53(a) and 270.33(a) (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.163 Alternative Schedules of Compliance

A RCRA or UIC permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment or storage HWM facilities, by closing pursuant to applicable requirements; for disposal HWM facilities, by closing and conducting post-closure care pursuant to applicable requirements; or, for UIC wells, by plugging and abandonment), rather than continuing to operate and meet permit requirements as follows:

a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit that has already been issued, either of the following must occur:

1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

2) The permittee must cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit must contain a schedule leading to termination that will ensure timely compliance with applicable requirements.

c) If the permittee is undecided whether to cease conducting regulated activities, the Agency may issue or modify a permit to contain two alternative schedules, as follows:

1) Both schedules must contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date that ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

2) One schedule must lead to timely compliance with applicable requirements;

3) The second schedule must lead to cessation of regulated activities by a date that will ensure timely compliance with applicable requirements.

4) Each permit containing two alternative schedules must include a requirement that, after the permittee has made a final decision pursuant to subsection (c)(1), it must follow the schedule leading to compliance, if the decision is to continue conducting regulated activities, or follow the schedule leading to termination, if the decision is to cease conducting regulated activities.

d) The applicant's or permittee's decision to cease conducting regulated activities must be evidenced by a firm public commitment satisfactory to the Agency, such as a written resolution of the board of directors of a corporation.

BOARD NOTE: Derived from 40 CFR 144.53(b) and 270.33(b) (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.164 Recording and Reporting

A permit must specify the following:

a) Requirements as to the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods, when appropriate);

b) Required monitoring, including type, intervals, and frequency sufficient to yield data that are representative of the monitored activity including, when appropriate, continuous monitoring; and

c) Applicable reporting requirements based on the impact of the regulated activity and as specified in 35 Ill. Adm. Code 724 (RCRA) and 35 Ill. Adm. Code 730 (UIC). Reporting must be no less frequent than specified in the above regulations.

BOARD NOTE: Derived from 40 CFR 144.54 and 270.31 (2005).

(Source: Amended at 31 Ill. Reg. 438, effective December 20, 2006)

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

a) The existence of a RCRA or UIC permit does not constitute a defense to a violation of the Environmental Protection Act or this Subtitle G, except for prohibitions against development, modification, or operation without a permit. A permit may be modified or reissued during its term for cause, as set forth in Subpart G of 35 Ill. Adm. Code 703 (RCRA) or Subpart H of 35 Ill. Adm. Code 704 (UIC) and Section 702.186, or a permit may be modified upon the request of the permittee, as provided by 35 Ill. Adm. Code 703.280 through 703.283.

BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two significant aspects: (1) 40 CFR 270.4(a)(1) states that compliance with the permit is compliance with federal law; and (2) 40 CFR 270.4(a)(1)(i) through (a)(1)(iv) enumerate exceptions when compliance with the permit can violate federal law. The exceptions under which compliance with a permit can violate federal law are the following intervening events: (1) new or amended statutory requirements; (2) new or amended 40 CFR 268 land disposal restrictions; (3) the adoption of the 40 CFR 264 leak detection requirements; and (4) the adoption of the air emissions limitations of subparts AA, BB, and CC of 40 CFR 265. By not codifying the federal exceptions, since they are not necessary in the Illinois program to accomplish the intended purpose, the Board does not intend to imply that compliance with a RCRA permit obviates immediate compliance with any of the events included in the federal exceptions.

b) The issuance of a permit does not convey property rights of any sort, nor does issuance convey any exclusive privilege.

c) The issuance of a permit does not authorize injury to persons or property or invasion of other private rights, nor does issuance authorize any infringement of State or local law or regulations, except as noted in subsection (a).

BOARD NOTE: Derived from 40 CFR 144.35 and 40 CFR 270.4 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.182 Transfer

For RCRA, see 35 Ill. Adm. Code 703.260. For UIC, see 35 Ill. Adm. Code 704.260.

(Source: Amended at 14 Ill. Reg. 3089, effective February 20, 1990)

Section 702.183 Modification

For RCRA, see 35 Ill. Adm. Code 703.270. For UIC, see 35 Ill. Adm. Code 704.261.

(Source: Amended at 14 Ill. Reg. 3089, effective February 20, 1990)

Section 702.184 Causes for Modification

For RCRA, see 35 Ill. Adm. Code 703.271 and 703.272. For UIC, see 35 Ill. Adm. Code 704.262.

(Source: Amended at 14 Ill. Reg. 3089, effective February 20, 1990)

Section 702.185 Facility Siting

For RCRA, see 35 Ill. Adm. Code 703.273. For UIC, see 35 Ill. Adm. Code 704.263.

(Source: Amended at 14 Ill. Reg. 3089, effective February 20, 1990)

Section 702.186 Revocation

The Board will revoke a permit during its term in accordance with Title VIII of the Environmental Protection Act for the following causes:

a) The permittee's violation of the Environmental Protection Act or regulations adopted thereunder;

b) Noncompliance by the permittee with any condition of the permit;

c) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

d) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, reissuance, or revocation.

BOARD NOTE: Derived from 40 CFR 270.43 and 144.40 (2017).

(Source: Amended at 42 Ill. Reg. 20953, effective November 19, 2018)

Section 702.187 Minor Modifications

For RCRA, see 35 Ill. Adm. Code 703.280. For UIC, see 35 Ill. Adm. Code 704.264.

(Source: Amended at 14 Ill. Reg. 3089, effective February 20, 1990)

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

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RCRA PERMIT PROGRAM

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

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 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20993, effective November 19, 2018;

amended in R19-11 at 43 Ill. Reg. 5777, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15055, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11329, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 703.100 Scope and Relation to Other Parts

a) This Part requires RCRA permits, pursuant to Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)], for hazardous waste management (HWM) facilities, which may include one or more treatment, storage, or disposal (TSD) units. This Part also contains specific rules on applications for and issuance of RCRA permits;

b) The provisions of 35 Ill. Adm. Code 702 contain general provisions on applications for and issuance of RCRA permits. The provisions of 35 Ill. Adm. Code 705 contain procedures to be followed by the Illinois Environmental Protection Agency (Agency) in issuing RCRA permits;

c) The definitions of 35 Ill. Adm. Code 702.110 apply to this Part. 35 Ill. Adm. Code 720 contains definitions applicable to the RCRA operating standards of 35 Ill. Adm. Code 720 through 728, 733, 738, and 739. 35 Ill. Adm. Code 721 defines "solid waste" and "hazardous waste";

d) The standards of 35 Ill. Adm. Code 724 and 725 apply to HWM facilities required to have RCRA permits. The provisions of 35 Ill. Adm. Code 722 and 723 contain standards applicable to generators and transporters of hazardous waste.

e) The standards of 35 Ill. Adm. Code 727 set forth the specific procedural requirements for a RCRA standardized permit, which alter the applicability of this Part and 35 Ill. Adm. Code 702 and 705 in several regards as specified in the affected provisions. A TSD that is otherwise subject to permitting under RCRA and which meets the criteria in subsection (e)(1) or (e)(2) of this Section, may be eligible for a RCRA standardized permit pursuant to Subpart J of this Part.

1) The facility generates hazardous waste and then non-thermally treats or stores hazardous waste on-site in tanks, containers, or containment buildings; or

2) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

BOARD NOTE: Subsection (e) of this Section is derived from the final sentence of 40 CFR 124.1(b), the second sentence of 40 CFR 270.1(b), and 40 CFR 270.1(b)(1) and (b)(2) (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.101 Purpose

a) The purpose of this Part is to provide for the issuance of RCRA permits to satisfy the permit requirement of Section 21(f) of the Environmental Protection Act [415 ILCS 5/21(f)];

b) This Part is adopted in order to obtain final authorization from the United States Environmental Protection Agency (USEPA) for the State of Illinois to participate in permit issuance pursuant to the federal Resource Conservation and Recovery Act (RCRA) (42 USC 6901).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.102 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.110 References

35 Ill. Adm. Code 720.111 lists all documents incorporated by reference for the Illinois RCRA and UIC programs.

BOARD NOTE: This Section corresponds with 40 CFR 270.6.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART B: PROHIBITIONS

Section 703.120 Prohibitions in General

a) Violation of the provisions of this Subpart may result in an enforcement action and sanctions pursuant to Titles VIII and XII of the Environmental Protection Act;

b) This Subpart B serves the following functions:

1) It prohibits the conduct of hazardous waste management operations without a RCRA permit (Sections 703.121 and 703.122);

2) It specifies exclusions from the permit requirement (Section 703.123);

3) It sets times for the filing of applications and reapplications (Sections 703.125 and 703.126);

4) It prohibits violation of the conditions of RCRA permits (Section 703.122);

c) Subpart C grants permits by rule, and sets the conditions for interim status, which allows operation of certain facilities prior to permit issuance. Subpart C contains prohibitions applicable during the interim status period;

d) The following definitions apply to this Subpart B:

1) 35 Ill. Adm. Code 702.110; and

2) 35 Ill. Adm. Code 721, the definitions of "solid waste" and "hazardous waste".

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.121 RCRA Permits

a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:

1) Without a RCRA permit for the HWM (hazardous waste management) facility; or

2) In violation of any condition imposed by a RCRA permit.

b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit. An owner or operator of a surface impoundment, landfill, land treatment unit, or a waste pile unit that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, must have a post-closure care permit, unless it demonstrates closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtains enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724

groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.

c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure care permit under this Section.

BOARD NOTE: Derived from 40 CFR 270.1(c) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 the following activities and facilities:

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 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 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: Derived from 40 CFR 270.1(c)(1) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.123 Specific Exclusions and Exemptions from Permit Program

The following persons are not required to obtain a RCRA permit:

a) A generator that accumulates hazardous waste on site in compliance with all of the conditions for exemption provided in 35 Ill. Adm. Code 722.114 through 722.117;

b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;

c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 722.114 (VSQG exemption);

d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;

f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and

h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(6). Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

1) Batteries, as described in 35 Ill. Adm. Code 733.102;

2) Pesticides, as described in 35 Ill. Adm. Code 733.103;

3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

4) Lamps, as described in 35 Ill. Adm. Code 733.105;

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

i) This subsection (i) corresponds with 40 CFR 270.1(c)(2)(ix), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

j) Reverse Distributors Accumulating Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals, as defined in Section 726.600. Reverse distributors are subject to regulation under Subpart P of 35 Ill. Adm. Code 726 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

k) Recyclers of ignitable spent refrigerants subject to regulation under Section 726 subpart Q.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2).

(Source: Amended at 49 Ill. Reg. 11329, effective August 27, 2025)

Section 703.124 Discharges of Hazardous Waste

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;

3) A discharge of a material that, when discharged, becomes a hazardous waste; or

4) 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 explosive or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

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.

c) In the case of an emergency response involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years after the date of the response that identify the following: the date of the response, the responsible persons responding, the type and description of material addressed, and the disposition of the material.

BOARD NOTE: Derived from 40 CFR 270.1(c)(3) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.125 Reapplying for a Permit

If a facility owner or operator has an effective permit and it wants to reapply for a new one, it has the following two options:

a) The owner or operator may submit a new application at least 180 days before the expiration date of the effective permit, unless the Agency allows a later date; or

b) If the owner or operator intends to be covered by a RCRA standardized permit, it may submit a Notice of Intent, as described in 35 Ill. Adm. Code 702.125(e)(1) at least 180 days before the expiration date of the effective permit, unless the Agency allows a later date. The Agency may not allow the owner or operator to submit an application or Notice of Intent later than the expiration date of the existing permit, except as allowed by 35 Ill. Adm. Code 702.125(e)(2).

BOARD NOTE: Derived from 40 CFR 270.10(h) (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.126 Initial Applications

Except as provided in Subpart C of this Part, no person may begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and received a finally effective RCRA permit.

BOARD NOTE: Derived from 40 CFR 270.10(f)(1) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.127 Federal Permits (Repealed)

(Source: Repealed at 8 Ill. Reg. 206, effective December 27, 1983)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.140 Purpose and Scope

a) The Sections of this Subpart C are divided into the following two groups:

1) Section 703.141 (Permits by Rule); and

2) Sections 703.151 through 703.158, relating to interim status;

b) The interim status rules correspond to subpart G of 40 CFR 270, which relates to interim status. Other portions of the federal rules may be found in Subpart B of this Part. The intent is to group the interim status rules so they can be more easily ignored by those to whom they do not apply, and so they can be conveniently repealed after the interim status period.

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.141 Permits by Rule

Notwithstanding any other provision of this Part or 35 Ill. Adm. Code 705, the following must 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 that accepts hazardous waste for ocean disposal, if the owner or operator does the following:

1) It has a permit for ocean dumping issued by USEPA under 40 CFR 220;

2) It complies with the conditions of that permit; and

3) It complies with the following hazardous waste regulations:

A) 35 Ill. Adm. Code 724.111 (USEPA 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 (Biennial Report); and

F) 35 Ill. Adm. Code 724.176, (Unmanifested Waste Report).

b) Injection wells. The owner or operator of an underground injection well disposing of hazardous waste, if the owner or operator fulfills the following conditions:

1) It has a permit for underground injection issued under 35 Ill. Adm. Code 704; and

2) It complies with the conditions of that permit and the requirements of Subpart F of 35 Ill. Adm. Code 704 (requirements for wells managing hazardous waste); and

3) For UIC permits issued after November 8, 1984, the following:

A) It complies with 35 Ill. Adm. Code 724.201; and

B) Where the UIC well is the only unit at the facility that requires a RCRA permit, it complies with Section 703.187.

c) Publicly owned treatment works (POTW). The owner or operator of a POTW that accepts for treatment hazardous waste, if the owner or operator fulfills the following conditions:

1) It has an NPDES permit;

2) It complies with the conditions of that permit;

3) It 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

G) For NPDES permits issued after November 8, 1984, 35 Ill. Adm. Code 724.201 (Corrective Action for Solid Waste Management Units); and

4) If the waste meets all federal, it complies with State and local pretreatment requirements that would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

BOARD NOTE: Illinois pretreatment requirements are codified in 35 Ill. Adm. Code 307 and 310.

BOARD NOTE: See 40 CFR 270.60 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.150 Application by Existing HWM Facilities and Interim Status Qualifications

a) The owner or operator of an existing HWM facility or of an HWM facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit 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 that first require the owner or operator to comply with standards in 35 Ill. Adm. Code 725 or 726; or

2) Thirty days after the date the owner or operator first becomes subject to the standards in 35 Ill. Adm. Code 725 or 726.

b) In granting a variance under subsection (c), 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.

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.

d) The owner or operator of an existing HWM facility may be required to submit Part B of the permit application. 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 my voluntarily submit a Part B application for all or part of the HWM facility at any time. Notwithstanding the above, any owner or operator of an existing HWM facility must submit a Part B permit application in accordance with the dates specified in Section 703.157. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must submit a Part B application in accordance with the dates specified in Section 703.157.

e) Interim status may be terminated as provided in Section 703.157.

BOARD NOTE: Derived from 40 CFR 270.10(e) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.151 Application by New HWM Facilities

a) Except as provided in subsection (c), no person may begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit;

b) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit in the facility. Except as provided in subsection (c), all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;

c) Notwithstanding subsection (a), a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Administrator of USEPA under Section (6)(e) of the federal Toxic Substances Control Act (42 USC 9601 et seq.) and any person owning or operating such a facility may, at any time after construction or operation of such facility has begun, file an application for a RCRA permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under 35 Ill. Adm. Code 721.

d) Such persons may continue physical construction of the HWM facility after the effective date of the standards applicable to it if the person submits Part B of the permit application on or before the effective date of such standards (or on some later date specified by the Agency). Such person must not operate the HWM facility without having received a finally effective RCRA permit.

BOARD NOTE: Derived from 40 CFR 270.10(f) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

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 must file an amended Part A application with the Agency, as follows:

1) 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) 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 subsection (a) of this Section does not receive interim status as to the wastes not covered by duly filed Part A applications.

BOARD NOTE: Derived from 40 CFR 270.10(g) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.153 Qualifying for Interim Status

a) Any person who owns or operates an existing HWM facility or a facility in existence on the effective date of statutory or regulatory amendments that render the facility subject to the requirement to have a RCRA permit must have interim status and must be treated as having been issued a permit to the extent he or she has fulfilled the following requirements:

1) The owner or operator has complied with the requirements of Section 3010(a) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) 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 the federal Resource Conservation and Recovery Act (42 USC 6930(a)). These facilities may qualify for interim status by meeting subsection (a)(2).

2) The owner or operator has complied with the requirements of Sections 703.150 and 703.152 governing submission of Part A applications.

b) Failure to qualify for interim status. If the Agency has reason to believe upon examination of a Part A application that the Part A application fails to meet the requirements of 35 Ill. Adm. Code 702.123 or 703.181, it must notify the owner or operator in writing of the apparent deficiency. Such notice must specify the grounds for the Agency's belief that the application is deficient. The owner or operator must 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.

c) Subsection (a) of this Section must not apply to any facility that has been previously denied a RCRA permit or if authority to operate the facility under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) has been previously terminated.

BOARD NOTE: Derived from 40 CFR 270.70 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.154 Prohibitions During Interim Status

During the interim status period the facility must not do any of the following:

a) Treat, store, or dispose of hazardous waste not specified in Part A of the permit application;

b) Employ processes not specified in Part A of the permit application; or

c) Exceed the design capacities specified in Part A of the permit application.

BOARD NOTE: Derived from 40 CFR 270.71(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.155 Changes During Interim Status

a) Except as provided in subsection (b) of this Section, the owner or operator of an interim status facility may make the following changes at the facility:

1) Treatment, storage, or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store, or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage, or disposal;

2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because either of the following conditions exist:

A) There is a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities; or

B) The change is necessary to comply with a federal, State, or local requirement, including 35 Ill. Adm. Code 725, 728, or 729;

3) Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because either of the following conditions exist:

A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or

B) The change is necessary to comply with a federal, State, or local requirement, including 35 Ill. Adm. Code 725, 728, or 729;

4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator must comply with the requirements of Subpart H of 35 Ill. Adm. Code 725 (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator must demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency must notify the old owner or operator in writing that the old owner or operator no longer needs to comply with Subpart H of 35 Ill. Adm. Code 725 as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or the Board. Changes under this subsection (a)(5) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility;

6) Addition of newly regulated units for the treatment, storage, or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

b) Except as specifically allowed under this subsection (b), changes listed under subsection (a) of this Section must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds 50 percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

1) Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.

2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728, or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface

impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.

3) Changes that are necessary to allow an owner or operator to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.

4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.

5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the federal Resource Conservation and Recovery Act (42 USC 6930(a)) or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or the Board. Changes under this subsection (b)(5) are limited to the treatment, storage, or disposal of solid waste from releases that originate within the boundary of the facility.

6) Changes to treat or store, in tanks, containers, or containment buildings, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.

7) Addition of newly regulated units under subsection (a)(6) of this Section.

8) Changes necessary to comply with the federal Clean Air Act (CAA) Maximum Achievable Control Technology (MACT) emissions standards of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Derived from 40 CFR 270.72 (2005). The federal CAA MACT standards are directly implemented in Illinois pursuant to Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.156 Interim Status Standards

During interim status, an owner or operator must comply with the interim status standards of 35 Ill. Adm. Code 725.

BOARD NOTE: Derived from 40 CFR 270.71(b) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when either of the following occurs:

a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart H; or

b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency must notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.

c) Corresponding 40 CFR 270.10(e)(1)(iii) required a RCRA Part B permit application before a date long past. This statement maintains structural consistency with the federal rules.

d) For an owner or operator of a land disposal facility that is in existence on the effective date of statutory or regulatory amendments under the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.) that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility does as follows:

    1) It submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and

    2) It certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

e) For an owner or operator of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (a)(2), or (a)(3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (Subparts F and H of 35 Ill. Adm. Code 725).

BOARD NOTE: Derived from 40 CFR 270.10(e)(5) and 270.73 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.158 Permits for Less Than an Entire Facility

The Agency may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

BOARD NOTE: Derived from 40 CFR 270.1(c)(4) (1992).

(Source: Amended at 18 Ill. Reg. 18316, effective December 20, 1994)

Section 703.159 Closure by Removal

An owner or operator of a surface impoundment, a land treatment unit, or a waste pile that is closing by removal or decontamination under 35 Ill. Adm. Code 725 standards must obtain a post-closure permit, unless it demonstrates to the Agency that the closure met the standards for closure by removal or decontamination in 35 Ill. Adm. Code 724.328, 724.380(e), or 724.358, respectively. The demonstration may be made in the following ways:

a) If the owner or operator has submitted a Part B application for a post-closure permit, the owner or operator may request a determination, based on information contained in the application, that 35 Ill. Adm. Code 724 closure by removal standards are met. If the Agency makes a tentative decision that the 35 Ill. Adm. Code 724 standards are met, the Agency will notify the public of this proposed decision, allow for public comment and reach a final determination according to the procedures in Section 703.160.

b) If the owner or operator has not submitted a Part B application for a post-closure permit, the owner or operator may petition the Agency for a determination that a post-closure permit is not required because the closure met the applicable 35 Ill. Adm. Code 724 standards.

    1) The petition must include data demonstrating that closure by removal or decontamination standards were met.

    2) The Agency must approve or deny the petition according to the procedures outlined in Section 703.160.

BOARD NOTE: Derived from 40 CFR 270.1(c)(5) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.160 Procedures for Closure Determination

a) If a facility owner or operator seeks an equivalency determination under Section 703.159, the Agency must provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the

owner or operator within 30 days from the date of the notice. The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 35 Ill. Adm. Code 725 closure to a 35 Ill. Adm. Code 724 closure. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)

b) The Agency must determine whether the 35 Ill. Adm. Code 725 closure met the 35 Ill. Adm. Code 724 closure by removal or decontamination requirements within 90 days after receipt of the request or petition. If the Agency finds that the closure did not meet the applicable 35 Ill. Adm. Code 724 standards, it must provide the owner or operator with a written statement of the reasons why the closure failed to meet 35 Ill. Adm. Code 724 standards. The owner or operator may submit additional information in support of an equivalency demonstration within 30 days after receiving such written statement. The Agency must review any additional information submitted and make a final determination within 60 days.

c) If the Agency determines that the facility did not close in accordance with 35 Ill. Adm. Code 724 closure by removal standards, the facility is subject to post-closure permitting requirements.

BOARD NOTE: See 40 CFR 270.1(c)(6) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.161 Enforceable Document for Post-Closure Care

a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing alternative requirements" or "other enforceable document", as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection (b). An "enforceable document containing alternative requirements" or "other enforceable document", may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(h), or under section 106 of the federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).

BOARD NOTE: Derived from 40 CFR 270.1(c)(7) (2017).

b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f),

725.210(c), or 725.240(d) must be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act.

BOARD NOTE: Derived from 40 CFR 271.16(e) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

SUBPART D: APPLICATIONS

Section 703.180 Applications in General

a) This Subpart D contains requirements for applications for RCRA permits. A "Part A" application is required of all facilities to obtain interim status. The "Part B" application is a prerequisite to an actual permit, and need be filed for an existing facility with interim status only when requested. New facilities must file Part A and Part B at the same time;

b) Subpart E of this Part contains requirements for applications for emergency permits, trial burn permits, and land treatment demonstration permits;

c) The application package must consist of the following:

1) Information required by 35 Ill. Adm. Code 702.123;

2) Part A (Section 703.181);

3) Part B, as follows:

A) General information (Section 703.183);

B) Facility location information (Section 703.184);

C) Groundwater protection information, if required (Section 703.185);

D) Specific information for each type of TSD unit, i.e. tanks, surface impoundments, landfills, etc. (Sections 703.200 et seq.);

E) Additional information to demonstrate compliance with 35 Ill. Adm. Code 724 (Section 703.183(t));

F) Information for trial burn permits and land treatment demonstrations (Subpart E of this Part).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.181 Contents of Part A

In addition to the information in 35 Ill. Adm. Code 702.123, Part A of the RCRA application must include the following information:

a) The latitude and longitude of the facility;

b) The name, address, and telephone number of the owner of the facility;

c) An indication of whether the facility is new or existing and whether it is a first or revised application;

d) For existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas;

e) For existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas;

f) A description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items;

g) A specification of the hazardous wastes listed or designated under 35 Ill. Adm. Code 721 to be treated, stored, or disposed of at the facility, an estimate of the quantity of such wastes to be treated, stored, or disposed of annually, and a general description of the processes to be used for such wastes.

h) For hazardous debris, a description of the debris categories and containment categories to be treated, stored, or disposed of at the facility.

BOARD NOTE: Derived from 40 CFR 270.13(b), (e), (g), (h) through (j), and (n) (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.182 Contents of Part B

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If an owner or operator of a HWM facility can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B must be submitted to the Agency and signed in accordance with the requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and specifications and engineering studies, must be certified by a qualified Professional Engineer. For post-closure care permits, only the information

specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

a) General information (Section 703.183);

b) Facility location information (Section 703.184);

c) Groundwater protection information (Section 703.185);

d) Exposure information (Section 703.186); and

e) Specific information (Section 703.200 et seq.).

BOARD NOTE: Derived from 40 CFR 270.14(a) (2007).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.183 General Information

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

a) A general description of the facility;

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

c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);

d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;

e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;

f) A justification of any request for a waiver of the preparedness and prevention requirements of Subpart C of 35 Ill. Adm. Code 724;

g) A copy of the contingency plan required by Subpart D of 35 Ill. Adm. Code 724;

BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA.

h) A description of procedures, structures, or equipment used at the facility as follows:

1) To prevent hazards in unloading operations (for example, ramps, or special forklifts);

2) To prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);

3) To prevent contamination of water supplies;

4) To mitigate effects of equipment failure and power outages;

5) To prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and

6) To prevent releases to the atmosphere;

i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);

j) A description of the area traffic pattern, the estimated traffic volume (number and types of vehicles), and area traffic control (for example, show turns across traffic lanes and stacking lanes, if appropriate); a description of access road surfacing and load bearing capacity; and the locations and types of traffic control signals;

k) Facility location information, as required by Section 703.184;

BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) as Section 703.184(c) through (e) to comport with Illinois Administrative Code codification requirements. The Board did not include an equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic zones not located within Illinois.

l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code

724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;

n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;

o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

q) Where applicable, a copy of the insurance policy or other documentation that comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations;

s) A topographic map showing 305 meters (1,000 feet) around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow near 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). An owner or operator of an HWM facility

located in a mountainous area must use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

1) Map scale and date;

2) 100-year floodplain area;

3) Surface waters including intermittent streams;

4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);

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 (e.g., fences, gates, etc.);

9) Injection and withdrawal wells both on-site and off-site;

10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, run-off 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; and

12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed of (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency must allow the use of other scales on a case-by-case basis.

t) Applicants must submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued;

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

v) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b).

(Source: Amended at 43 Ill. Reg. 5777, May 2, 2019)

Section 703.184 Facility Location Information

a) In order to show compliance with the facility location requirements of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)], the owner or operator must include the following information, or a demonstration that Section 21(l) does not apply:

1) The location of any active or inactive shaft or tunneled mine below the facility;

2) The location of any active faults in the earth's crust within two miles of the facility boundary;

3) The location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;

4) The location of the corporate boundaries of any municipalities within one and one-half miles of the facility boundary;

BOARD NOTE: Subsections (a)(1), (a)(2), (a)(3), and (a)(4) request information necessary to allow the Agency to determine the applicability of Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)] requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.

5) Documentation showing approval of municipalities if such approval is required by Section 21(l) of the Environmental Protection Act [415 ILCS 5/21(l)];

BOARD NOTE: This subsection (a) is a State-only requirement derived from 415 ILCS 5/21(l).

b) This subsection (b) corresponds with 40 CFR 270.14(b)(11)(ii), which pertains exclusively to facilities located in certain federally listed seismic zones, none of which is in Illinois. This statement maintains structural consistency with the corresponding federal rules;

c) A facility owner or operator must provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), if used, or the calculations and maps used where a NFIP map is not available. Information must also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

BOARD NOTE: NFIP maps are available as follows: Flood Map Distribution Center, National Flood Insurance Program, Federal Emergency Management Agency, 6930 (A-F) San Tomas Road, Baltimore, MD 21227-6227. 800-638-6620; and, Illinois Floodplain Information Depository, State Water Survey, 514 WSRC, University of Illinois, Urbana, IL 61801. 217-333-0447. Where NFIP maps are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the NFIP map excludes an area (usually areas of the flood plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where NFIP maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what is the 100-year flood elevation.

d) An owner or operator of a facility located in the 100-year floodplain must provide the following information:

1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

3) If applicable, and in lieu of subsections (d)(1) and (d)(2), a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including the following:

A) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;

B) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive

hazardous waste in accordance with 35 Ill. Adm. Code 702, 703, and 724 through 727;

C) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and

D) The potential for accidental discharges of the waste during movement;

e) An owner or operator of an existing facility not in compliance with 35 Ill. Adm. Code 724.118(b) must provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such an owner or operator must file a concurrent variance petition with the Board; and

f) An owner or operator of a new regional pollution control facility, as defined in Section 3 of the Environmental Protection Act [415 ILCS 5/3], must provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act [415 ILCS 5/39(c) and 39.2].

BOARD NOTE: The Board has codified 40 CFR 270.14(b)(11)(iii) through (b)(11)(v) as subsections (c) through (e) to comport with Illinois Administrative Code codification requirements. The Board has not codified an equivalent to 40 CFR 270.14(b)(11)(i) and (b)(11)(ii), relating to certain seismic zones not located within Illinois.

(Source: Amended at 40 Ill. Reg. 11271, effective August 9, 2016)

Section 703.185 Groundwater Protection Information

The following additional information regarding protection of groundwater is required from an owner or operator of a hazardous waste facility containing a regulated unit, except as 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 725.194, 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 subsection (b) of this Section;

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 does the following:

1) It delineates the extent of the plume on the topographic map required under Section 703.183(s);

2) It identifies the concentration of each Appendix I to 35 Ill. Adm. Code 724 constituent throughout the plume or identifies the maximum concentrations of each Appendix I to 35 Ill. Adm. Code 724 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 that meets the requirements of 35 Ill. Adm. Code 724.198. This submission must address the following items as specified under that Section:

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 that meets the requirements of 35 Ill. Adm. Code 724.199. Except as provided in 35 Ill. Adm. Code 724.198(h)(5), 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, unless the owner or operator obtains written authorization in advance from the Agency to submit a proposed permit schedule for submittal of such a plan. 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;

h) If hazardous constituents have been measured in the groundwater that 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 725.194 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 that 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 that meets the requirements of subsection (f) and 35 Ill. Adm. Code 724.199.

1) To demonstrate compliance with 35 Ill. Adm. Code 724.200, the owner or operator must address, at a minimum, the following items:

A) A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

B) The concentration limit for each hazardous constituent found in the groundwater, as set forth in 35 Ill. Adm. Code 724.194;

C) Detailed plans and an engineering report describing the corrective action to be taken; and

D) A description of how the groundwater monitoring program will assess the adequacy of the corrective action.

2) The permit may contain a schedule for submittal of the information required in subsections (h)(1)(C) and (h)(1)(D) of this Section, provided the owner or operator obtains written authorization from the Agency prior to submittal of the complete permit application.

BOARD NOTE: Derived from 40 CFR 270.14(c) (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.186 Exposure Information

Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address the following:

a) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

b) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a); and

c) The potential magnitude and nature of the human exposure resulting from such releases.

BOARD NOTE: Derived from 40 CFR 270.10(j) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.187 Solid Waste Management Units

a) The following information is required for each solid waste management unit at a facility seeking a permit:

1) The location of the unit on the topographic map required under Section 703.183(s);

2) Designation of the type of unit;

3) General dimensions and structural description (supply any available drawings);

4) When the unit was operated; and

5) Specification of all wastes that have been managed at the unit, to the extent available.

b) The owner or operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of hazardous wastes or hazardous constituents from such unit or units.

c) The owner or operator must conduct and provide the results of sampling and analysis of groundwater, land surface and subsurface strata, surface water or air, which may include the installation of wells, where the Agency determines it is necessary to complete a RCRA facility assessment that will determine if a more complete investigation is necessary.

BOARD NOTE: Derived from 40 CFR 270.14(d) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.188 Other Information

The Agency may require a permittee or applicant to submit information in order to establish permit conditions pursuant to Section 703.241(a)(2) (conditions necessary to adequately protect human health and the environment) and 35 Ill. Adm. Code 702.161 (duration of permits).

BOARD NOTE: Derived from 40 CFR 270.10(k) (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.189 Additional Information Required to Assure Compliance with MACT Standards

If the Agency determines, based on one or more of the factors listed in subsection (a) that compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone may not adequately protect human health and the environment, the Agency must require the additional information or assessments necessary to determine whether additional controls are necessary to ensure adequate protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health or the environment resulting from both direct and indirect exposure pathways. The Agency may also require a permittee or applicant to provide information necessary to determine whether such an assessment should be required.

a) The Agency must base the evaluation of whether compliance with the standards of subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111, alone adequately protects human health and the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:

1) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;

2) The identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;

3) The identities and quantities of non-dioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);

4) The identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;

5) The presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

6) The volume and types of wastes, for example wastes containing highly toxic constituents;

7) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;

8) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and

9) Such other factors as may be appropriate.

b) This subsection (b) corresponds with 40 CFR 270.10(l)(b), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Derived from 40 CFR 270.10(l) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.191 Public Participation: Pre-Application Public Notice and Meeting

a) Applicability. This Section applies to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. This Section also applies to any RCRA Part B application seeking renewal of a permit for such a unit, where the renewal application is proposing a significant change in facility operations. For the purposes of this Section, a "significant change" is any change that would qualify as a class 3 permit modification pursuant to Section 703.283 and Appendix A to this Part. This Section also applies to a hazardous waste management facility for which facility the owner or operator is seeking coverage under a RCRA standardized permit (see Subpart J of this Part), including renewal of a RCRA standardized permit for such a unit, where the renewal is proposing a significant change in facility operations, as defined at 35 Ill. Adm. Code 705.304(a)(3). This Section does not apply to any permit modification pursuant to Sections 703.280 through 703.283 or to any application that is submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

b) Prior to the submission of a RCRA Part B permit application or the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see Subpart J of this Part), the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of its proposed hazardous waste management activities. The applicant must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

c) The applicant must submit to the Agency, as part of its RCRA Part B permit application or the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see Subpart J of this Part), a summary of the meeting, along with the list of attendees and their addresses developed pursuant to subsection (b) of this Section and copies of any written comments or materials submitted at the meeting, in accordance with Section 703.183.

d) The applicant must provide public notice of the pre-application meeting at least 30 days prior to the meeting. The applicant must maintain documentation of the notice and provide that documentation to the permitting agency upon request.

1) The applicant must provide public notice in each of the following forms:

A) A newspaper advertisement. The applicant must publish a notice in a newspaper of general circulation in the county that hosts the proposed location of the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. In addition, the Agency must instruct the applicant to publish the

notice in newspapers of general circulation in adjacent counties, where the Agency determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.

B) A visible and accessible sign. The applicant must post a notice on a clearly marked sign at or near the facility. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.

C) A broadcast media announcement. The applicant must broadcast a notice at least once on at least one local radio station or television station. The notice must fulfill the requirements set forth in subsection (d)(2) of this Section. The applicant may employ another medium with prior approval of the Agency.

D) A notice to the Agency. The applicant must send a copy of the newspaper notice to the permitting agency and to the appropriate units of State and local government, in accordance with 35 Ill. Adm. Code 705.163(a).

2) The notices required pursuant to subsection (d)(1) of this Section must include the following:

A) The date, time, and location of the meeting;

B) A brief description of the purpose of the meeting;

C) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;

D) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and

E) The name, address, and telephone number of a contact person for the applicant.

BOARD NOTE: Derived from 40 CFR 124.31 (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.192 Public Participation: Public Notice of Application

a) Applicability. This Section applies to any RCRA Part B application seeking an initial permit for a hazardous waste management unit. This Section also applies to any RCRA Part B application seeking renewal of a permit for such a unit pursuant to 35 Ill. Adm. Code 702.125. This Section does not apply to hazardous waste units for which facility owners or operators are seeking coverage under a RCRA standardized permit (see Subpart J of this Part). This Section also does not apply to permit modifications pursuant to Sections 703.280 through 703.283 or a permit application submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

b) Notification at application submittal.

1) The Agency must provide public notice, as set forth in 35 Ill. Adm. Code 705.161, and notice to appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), that a Part B permit application has been submitted to the Agency and is available for review.

2) The notice must be published within 30 calendar days after the application is received by the Agency. The notice must include the following information:

A) The name and telephone number of the applicant's contact person;

B) The name and telephone number of the appropriate Agency regional office, as directed by the Agency, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;

C) An address to which people can write in order to be put on the facility mailing list;

D) The location where copies of the permit application and any supporting documents can be viewed and copied;

E) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and

F) The date that the application was submitted.

c) Concurrent with the notice required pursuant to subsection (b) of this Section, the Agency must place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the Agency regional office appropriate for the facility.

BOARD NOTE: Derived from 40 CFR 124.32 (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.193 Public Participation: Information Repository

a) Applicability. The requirements of this Section must apply to any application seeking a RCRA permit for a hazardous waste management unit.

b) The Agency must assess the need for an information repository on a case-by-case basis. When assessing the need for an information repository, the Agency must consider a variety of factors, including the following: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the Agency determines, at any time after submittal of a permit application, that there is a need for a repository, then the Agency must notify the facility that it must establish and maintain an information repository. (See Section 703.248 for similar provisions relating to the information repository during the life of a permit.)

c) The information repository must contain all documents, reports, data, and information deemed necessary by the Agency to fulfill the purposes for which the repository is established. The Agency will have the discretion to limit the contents of the repository.

d) The information repository must be located and maintained at a site chosen by the facility. If the Agency determines that the chosen site is unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the Agency must specify a more appropriate site.

e) The Agency must specify requirements for the applicant for informing the public about the information repository. At a minimum, the Agency must require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

f) The facility owner or operator must be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the Agency. The Agency may close the repository if it determines that the repository is no longer needed based on its consideration of the factors in subsection (b) of this Section.

BOARD NOTE: Derived from 40 CFR 124.33 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.200 Specific Part B Application Information

Additional information is required in the Part B application by the following Sections from owners or operators of specific types of TSD unit:

a) Containers (Section 703.201);

b) Tanks (Section 703.202);

c) Surface impoundments (Section 703.203);

d) Waste piles (Section 703.204);

e) Incinerators (Section 703.205);

f) Land treatment (Section 703.206); and

g) Landfills (Section 703.207).

BOARD NOTE: Derived in part from 40 CFR 270.14(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.201 Containers

For a facility that stores containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include the following:

a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 724.275. Show at least the following:

1) Basic design parameters, dimensions, and materials of construction;

2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

3) Capacity of the containment system relative to the number and volume of containers to be stored;

4) Provisions for preventing or managing run-on; and

5) How accumulated liquids can be analyzed and removed to prevent overflow.

b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including the following:

1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.

c) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 724.277(c) (location of incompatible wastes), where applicable.

d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c) and 724.277(a) and (b).

e) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.15 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.202 Tank Systems

Except as otherwise provided in 35 Ill. Adm. Code 724.290, the owner or operator of a facility that uses tanks to store or treat hazardous waste must provide the following additional information:

a) A written assessment that is reviewed and certified by a qualified Professional Engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;

b) Dimensions and capacity of each tank;

c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

d) A diagram of piping, instrumentation, and process flow for each tank system;

e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill. Adm. Code 724.292(a)(3)(B);

f) For new tank systems, a detailed descriptions of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);

g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e), and (f);

h) For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g), the following:

1) 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 waste or hazardous constituents into the groundwater or surface water during the life of the facility,

2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment, or

3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board order granting alternative design and operating practices;

i) Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b);

j) For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299; and

k) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.16 (2007).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.203 Surface Impoundments

For a facility that stores, treats, or disposes of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

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

b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.321, 724.322, and 724.323, addressing the following items:

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 a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.321(b);

2) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of 35 Ill. Adm. Code 724.321(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.321(d), (e), or (f), submit appropriate information;

3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

4) The construction quality assurance (CQA) plan if required under 35 Ill. Adm. Code 724.119;

5) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.322; response action plan, if required under 35 Ill. Adm. Code 724.323; and a proposed pump operating level, if required under 35 Ill. Adm. Code 724.326(d)(3);

6) Prevention of overtopping; and

7) Structural integrity of dikes.

c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a), (b), and (d). This information must be included in the inspection plan submitted under Section 703.183(e).

d) A certification by a qualified engineer that 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 the

engineer will provide such a certification upon completion of construction in accordance with the plans and specifications.

e) 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 must be included in the contingency plan submitted under Section 703.183(g).

f) 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 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 must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

g) 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.

h) 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.

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.331. This submission must address the following items, as specified in that Section:

    1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

    2) The attenuative properties of underlying and surrounding soils or other materials;

    3) The mobilizing properties of other materials co-disposed with these wastes; and

    4) The effectiveness of additional treatment, design, or monitoring techniques.

j) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.17 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.204 Waste Piles

For a facility that stores or treats hazardous waste in waste piles, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

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 Subpart F of 35 Ill. Adm. Code 724, as provided by 35 Ill. Adm. Code 724.350(c) or 724.190(b)(2), an explanation of how the requirements of 35 Ill. Adm. Code 724.350(c) will be complied with or detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met;

c) Detailed plans and an engineering report describing how the pile is designed and is or will be constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.351, 724.352, and 724.353, addressing the following items:

1) Liner, leak detection, and removal system.

A) The liner system (except for an existing portion of a waste pile), if the waste pile must meet the requirements of 35 Ill. Adm. Code 724.351(a). 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 a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.351(b);

B) The double liner and leak (leachate) detection, collection and removal system, if the waste pile must meet the requirements of 35 Ill. Adm. Code 724.351(c). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.351(d), (e), or (f), submit appropriate information;

C) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

D) The CQA plan, if required under 35 Ill. Adm. Code 724.119;

E) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.352, and response action plan, if required under 35 Ill. Adm. Code 724.353;

2) Control of run-on;

3) Control of run-off;

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) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, 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), (b), and (c). This information must be included in the inspection plan submitted under Section 703.183(e);

e) If the treatment is carried out on or in the pile, details about the process and equipment used, and the nature and quality of the residuals;

f) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the ~~the~~ applicant will comply with requirements of 35 Ill. Adm. Code 724.356;

g) If incompatible wastes, or incompatible wastes and materials, will be placed in a waste pile, an explanation of how the applicant will comply with 35 Ill. Adm. Code 724.357;

h) 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 the applicant will comply with 35 Ill. Adm. Code 724.410(a) and (b). This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m); and

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.359. This submission must address the following items as specified in that Section:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.18 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.205 Incinerators that Burn Hazardous Waste

For a facility that incinerates hazardous waste, except as 35 Ill. Adm. Code 724.440 and subsection (e) provide otherwise, the applicant must fulfill the requirements of subsection (a), (b), or (c) in completing the Part B application.

a) When seeking exemption pursuant to 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only), the applicant must fulfill the following requirements:

1) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;

2) Documentation that the waste is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5) and will not be burned when other hazardous wastes are present in the combustion zone;

3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes pursuant to Subpart C of 35 Ill. Adm. Code 721; or

4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123(a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone.

b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 through 703.224.

c) In lieu of a trial burn, the applicant may submit the following information:

1) An analysis of each waste or mixture of wastes to be burned including the following:

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 Appendix H to 35 Ill. Adm. Code 721 that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that 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 appropriate analytical methods;

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods; and

E) A quantification of those hazardous constituents in the waste that may be designated as POHCs based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] ..:
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

2) A detailed engineering description of the incinerator, including the following:

A) Manufacturer's name and model number of incinerator;

B) Type of incinerator;

C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

D) Description of auxiliary fuel system (type/feed);

E) Capacity of prime mover;

F) Description of automatic waste feed cutoff systems;

G) Stack gas monitoring and pollution control monitoring system;

H) Nozzle and burner design;

I) Construction materials; and

J) Location and description of temperature, pressure and flow indicating devices and control devices;

3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1). This analysis should specify the POHCs that the applicant has identified in the waste for which a permit is sought, and any differences from the POHCs in the waste for which burn data are provided;

4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

5) A description of the results submitted from any previously conducted trial burns, including the following:

A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;

B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas

velocity (including a statement concerning the precision and accuracy of this measurement); and

C) The certification and results required by subsection (b);

6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445, including the following:

A) Expected carbon monoxide (CO) level in the stack exhaust gas;

B) Waste feed rate;

C) Combustion zone temperature;

D) Indication of combustion gas velocity;

E) Expected stack gas volume, flow rate, and temperature;

F) Computed residence time for waste in the combustion zone;

G) Expected hydrochloric acid removal efficiency;

H) Expected fugitive emissions and their control procedures; and

I) Proposed waste feed cut-off limits based on the identified significant operating parameters;

7) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of Subpart O of 35 Ill. Adm. Code 724 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act; and

8) Waste analysis data, including that submitted in subsection (c)(1), sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required.

d) The Agency must approve a permit application without a trial burn if it finds the following:

1) The wastes are sufficiently similar; and

2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (pursuant to 35 Ill. Adm. Code 724.445)

operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.

e) When the owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements, or when the owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

BOARD NOTE: Derived from 40 CFR 270.19 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.206 Land Treatment

For a facility that uses land treatment to dispose of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include the following:

a) A description of plans to conduct treatment demonstration, as required under 35 Ill. Adm. Code 724.372. The description must include the following information:

1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;

2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

3) Any specific laboratory or field test that will be conducted, including the following:

A) the type of test (e.g., column leaching, degradation);

B) materials and methods, including analytical procedures;

C) expected time for completion;

D) characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

b) A description of a land treatment program, as required under 35 Ill. Adm. Code 724.371. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

1) The wastes to be land treated;

2) Design measures and operating practices necessary to maximize treatment in accordance with 35 Ill. Adm. Code 724.373(a) including the following:

A) Waste application method and rate;

B) Measures to control soil pH;

C) Enhancement of microbial or chemical reactions; and

D) Control of moisture content;

3) Provisions for unsaturated zone monitoring, including the following:

A) Sampling equipment, procedures, and frequency;

B) Procedures for selecting sampling locations;

C) Analytical procedures;

D) Chain of custody control;

E) Procedures for establishing background values;

F) Statistical methods for interpreting results; and

G) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in 35 Ill. Adm. Code 724.378(a);

4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to 35 Ill. Adm. Code 724.113;

5) The proposed dimensions of the treatment zone;

c) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of 35 Ill. Adm. Code 724.373. This submission must address the following items:

1) Control of run-on;

2) Collection and control of run-off;

3) Minimization of run-off of hazardous constituents from the treatment zone;

4) Management of collection and holding facilities associated with run-on and run-off control systems;

5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under Section 703.183(e); and

6) Control of wind dispersal of particulate matter, if applicable;

d) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under 35 Ill. Adm. Code 724.376(a) will be conducted, including the following:

1) Characteristics of the food-chain crop for which the demonstration will be made;

2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

3) Procedures for crop growth, sample collection, sample analysis, and data evaluation; and

4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;

e) If food-chain crops are to be grown and cadmium is present in the land-treated waste, a description of how the requirements of 35 Ill. Adm. Code 724.376(b) will be complied with;

f) A description of the vegetative cover to be applied to closed portions of the facility and a plan for maintaining such cover during the post-closure care period, as required under 35 Ill. Adm. Code 724.380(a)(8) and (c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 703.183(m);

g) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of 35 Ill. Adm. Code 724.381 will be complied with;

h) If incompatible wastes or incompatible wastes and materials will be placed in or on the same treatment zone, an explanation of how 35 Ill. Adm. Code 724.382 will be complied with; and

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.383. This submission must address the following items as specified in that Section:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.20 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.207 Landfills

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

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 designed and is or will be constructed, operated and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.401, 724.402, and 724.403, addressing the following items:

1) Liner, leak detection, collection, and removal systems.

A) The liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of 35 Ill. Adm. Code 724.401(a). If an exemption from the requirement for a liner is sought as provided by 35 Ill. Adm. Code 724.401(b), submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.401(b);

B) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of 35 Ill. Adm. Code 724.401(c). If an exemption from the requirements for double liners and a leak detection, collection and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.401(d), (e), or (f), submit appropriate information;

C) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

D) The CQA plan, if required under 35 Ill. Adm. Code 724.119;

E) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.402, and response action plan, if required under 35 Ill. Adm. Code 724.404, and proposed pump operating level, if required under 35 Ill. Adm. Code 724.403;

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) A description of how each landfill, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenances for control of run-on and run-off, will be inspected in order to meet

the requirements of 35 Ill. Adm. Code 724.403(a), (b), and (c). This information must be included in the inspection plan submitted under Section 703.183(e);

d) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of the 35 Ill. Adm. Code 724.403(a) and (b). This information must be included in the inspection plan submitted under Section 703.183(e);

e) Detailed plans and an engineering report describing the final cover that 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 must 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; and

j) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.417. This submission must address the following items, as specified in that Section:

    1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

    2) The attenuative properties of underlying and surrounding soils or other materials;

    3) The mobilizing properties of other materials co-disposed with these wastes; and

    4) The effectiveness of additional treatment, design, or monitoring techniques.

BOARD NOTE: Derived from 40 CFR 270.21 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement or lightweight aggregate kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements, or when the owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section applies, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines that certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

a) Trial Burns

1) General. Except as provided below, an owner or operator that is subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.

A) Pursuant to subsections (a)(2) through (a)(5) and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and

B) The owner or operator may submit data in lieu of a trial burn, as prescribed in subsection (a)(6).

2) Waiver of Trial Burn of DRE (Destruction Removal Efficiency)

A) Boilers Operated under Special Operating Requirements. When seeking to be permitted pursuant to 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.

B) Boilers and Industrial Furnaces Burning Low Risk Waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), which waive the DRE trial burn, the owner or operator must submit the following:

i) Documentation that the device is operated in conformance with 35 Ill. Adm. Code 726.209(a)(1).

ii) Results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in Appendix H to 35 Ill. Adm. Code 721, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on appropriate analytical methods.

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(ii) using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).

iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii) using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency must review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency must either approve the modeling or determine that alternate or supplementary modeling is appropriate.

v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii) quantified in conformance with subsection (a)(2)(B)(iv) does not exceed the allowable ambient level established in Appendix D or E to 35 Ill. Adm. Code 726. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in Appendix D to 35 Ill. Adm. Code 726 or risk-specific doses has not been established in Appendix E to 35 Ill. Adm. Code 726 is 0.1 micrograms per cubic meter, as noted in the footnote to Appendix D to 35 Ill. Adm. Code 726.

3) Waiver of Trial Burn for Metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH (terrain-adjusted effective stack height), good engineering practice stack height, terrain type, and land use, as provided by 35 Ill. Adm. Code 726.206(b)(3) through (b)(5);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and

G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.

4) Waiver of Trial Burn for PM (Particulate Matter). When seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b), which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3).

5) Waiver of Trial Burn for HCl and Chlorine Gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions of HCl and chlorine gas without requiring a trial burn, the owner or operator must submit the following:

A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;

B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;

C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;

D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);

E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;

F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and

G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and industrial furnace feedstocks.

6) Data in Lieu of Trial Burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203 or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency must approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (pursuant to 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information must be submitted:

A) For a waiver from any trial burn, the following:

i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;

ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection (a).

B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns that demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in Appendix H to 35 Ill. Adm. Code 721 that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

b) Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials. An owner or operator of industrial furnaces requesting an alternative HC limit pursuant to 35 Ill. Adm. Code 726.204(f) must submit the following information at a minimum:

1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;

2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;

3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuels and destruction of hydrocarbon emissions from nonfuel sources;

4) Trial burn plan to do the following:

A) To demonstrate when burning hazardous waste that flue gas HC (and CO) concentrations do not exceed the baseline HC (and CO) level; and

B) To identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in Appendix H to 35

Ill. Adm. Code 721 that are emitted when burning hazardous waste;

5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and

6) Such other information as the Agency finds necessary to achieve the purposes of this subsection (b).

c) Alternative Metals Implementation Approach. When seeking to be permitted under an alternative metals implementation approach pursuant to 35 Ill. Adm. Code 726.206(f), the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator must provide such other information that the Agency finds necessary to achieve the purposes of this subsection (c).

d) Automatic Waste Feed Cutoff System. An owner or operator must submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.

e) Direct Transfer. An owner or operator that uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace must submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.

f) Residues. An owner or operator that claims that its residues are excluded from regulation pursuant to 35 Ill. Adm. Code 726.212 must submit information adequate to demonstrate conformance with those provisions.

BOARD NOTE: Derived from 40 CFR 270.22 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.209 Miscellaneous Units

Except as otherwise provided in 35 Ill. Adm. Code 724.700, the owner or operator of a facility that treats, stores, or disposes of hazardous waste in miscellaneous units must provide the following additional information in the Part B application:

a) A detailed description of the unit being used or proposed for use, including the following:

1) Physical characteristics, materials of construction, and dimensions of the unit;

2) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of 35 Ill. Adm. Code 724.701 and 724.702; and

3) For disposal units, a detailed description of the plans to comply with the post-closure requirements of 35 Ill. Adm. Code 724.703;

b) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of 35 Ill. Adm. Code 724.701. Preliminary hydrologic, geologic, and meteorologic assessments will suffice, unless the Agency notifies the applicant that, based on the preliminary assessments, the unit will not conform with the environmental performance standards of 35 Ill. Adm. Code 724.701. The Agency must follow the procedures for incomplete applications in 35 Ill. Adm. Code 705.122;

c) Information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures;

d) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data; and

e) Any additional information that the Agency determines is necessary for evaluation of compliance of the unit with the environmental performance standards of 35 Ill. Adm. Code 724.701.

BOARD NOTE: Derived from 40 CFR 270.23 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.210 Process Vents

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has process vents to which Subpart AA of 35 Ill. Adm. Code 724 applies must provide the following additional information:

a) For facilities that cannot install a closed-vent system and control device to comply with Subpart AA of 35 Ill. Adm. Code 724 on the effective date on which the facility becomes subject to that Subpart or Subpart AA of 35 Ill. Adm. Code 725, an implementation schedule, as specified in 35 Ill. Adm. Code 724.933(a)(2).

b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including the following:

1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);

2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur; and

3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including the following:

1) A list of all information references and sources used in preparing the documentation.

2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).

3) A design analysis, specifications, drawings, schematics, piping, and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).

4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater, unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

BOARD NOTE: Derived from 40 CFR 270.24 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a facility that has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies must provide the following additional information:

a) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:

1) Equipment identification number and hazardous waste management unit identification;

2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

3) Type of equipment (e.g., a pump or pipeline valve);

4) Percent by weight total organics in the hazardous wastestream at the equipment;

5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and

6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

b) For facilities that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that facility

becomes subject to this Subpart or Subpart BB of 35 Ill. Adm. Code 724, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2).

c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).

d) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964. The Agency must request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:

1) A list of all information references and sources used in preparing the documentation;

2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j);

3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts approved by the Agency that present basic control device information. The design analysis must address the vent stream characteristics and control device parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(C);

4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur; and

5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Derived from 40 CFR 270.25 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.212 Drip Pads

Except as otherwise provided by 35 Ill. Adm. Code 724.101, the owner or operator of a hazardous waste treatment, storage, or disposal facility that collects, stores, or treats hazardous waste on drip pads must provide the following additional information:

a) A list of hazardous wastes placed or to be placed on each drip pad.

b) If an exemption is sought to Subpart F of 35 Ill. Adm. Code 724, as provided by 35 Ill. Adm. Code 724.190, detailed plans and an engineering report describing how the requirements of 35 Ill. Adm. Code 724.190(b)(2) will be met.

c) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.673, including the as-built drawings and specifications. This submission must address the following items, as specified in 35 Ill. Adm. Code 724.671:

    1) The design characteristics of the drip pad;

    2) The liner system;

    3) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

    4) Practices designed to maintain drip pads;

    5) The associated collection system;

    6) Control of run-on to the drip pad;

    7) Control of run-off from the drip pad;

    8) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

    9) Cleaning procedures and documentation:

        A) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including, but not limited to: rinsing, washing with detergents or other appropriate solvents, or steam cleaning; and

B) Provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;

10) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

11) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and non-pressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;

12) Provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

13) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals;

14) A description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.673. This information must be included in the inspection plan submitted under Section 703.183(e);

15) A certification signed by a qualified Professional Engineer, stating that the drip pad design meets the requirements of 35 Ill. Adm. Code 724.673(a) through (f); and

16) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under 35 Ill. Adm. Code 724.675(a). For any waste not to be removed from the drip pad 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 must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

BOARD NOTE: Derived from 40 CFR 270.26 (2007).

(Source: Amended at 32 Ill. Reg. 11672, effective July 14, 2008)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, the owner or operator of a tank, a surface impoundment, or a container that uses air emission controls in accordance with the

requirements of Subpart CC of 35 Ill. Adm. Code 724 must provide the following additional information:

a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or (f)(1).

b) Identification of each container area subject to the requirements of Subpart CC of 35 Ill. Adm. Code 724 and certification by the owner or operator that the requirements of this Subpart D are met.

c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 724.985(c)(1).

e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124(c) and (d).

f) An emission monitoring plan for both Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

g) When an owner or operator of a facility subject to Subpart CC of 35 Ill. Adm. Code 725 cannot comply with Subpart CC of 35 Ill. Adm. Code 724 by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27 (2015).

(Source: Amended at 40 Ill. Reg. 11271, effective August 9, 2016)

Section 703.214 Post-Closure Care Permits

For post-closure care permits, the owner or operator is required to submit only the information specified in Sections 703.183(a), (d), (e), (f), (k), (m), (n), (p), (r), and (s); 703.184; 703.185; and 703.187, unless the Agency determines that additional information from Section 703.183, 703.202, 703.203, 703.204, 703.206, or 703.207 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit, as provided in Section 703.161.

BOARD NOTE: Derived from 40 CFR 270.28 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART E: SPECIAL FORMS OF PERMITS

Section 703.220 Emergency Permits

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, as follows:

1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste; or

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 must comply with all of the following requirements:

1) The emergency permit may be oral or written. If oral, it must be followed in five days by a written emergency permit.

2) The emergency permit must not exceed 90 days in duration.

3) The emergency permit must clearly specify the hazardous wastes to be received and the manner and location of their treatment, storage, or disposal.

4) The emergency permit may be terminated by the Agency at any time without process if it determines that termination is appropriate to adequately protect human health and the environment.

5) The emergency permit must be accompanied by a public notice published under 35 Ill. Adm. Code 705.162 including the following:

A) The name and address of the office granting the emergency authorization;

B) The name and location of the permitted HWM facility;

C) A brief description of the wastes involved;

D) A brief description of the action authorized and reasons for authorizing it; and

E) The duration of the emergency permit.

6) The emergency permit must incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this Part and 35 Ill. Adm. Code 724.

7) An emergency permit that would authorize actions not in compliance with Board rules, other than procedural requirements, require a variance or provisional variance under Title IX of the Act.

BOARD NOTE: Derived from 40 CFR 270.61.

(Source: Amended at 44 Ill. Reg. 15055, effective September 3, 2020)

Section 703.221 Alternative Compliance with the Federal NESHAPS

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), Sections 703.221 through 703.225 do not apply, except those provisions that the Agency determines are necessary to ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Agency may apply the provisions of Sections 703.221 through 703.225, on a

case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

BOARD NOTE: Derived from 40 CFR 270.62 preamble (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.222 Incinerator Conditions Prior to Trial Burn

For the purposes of determining operational readiness following completion of physical construction, the Agency must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Agency must extend the duration of this operation period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280.

a) Applicants must submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443 during this period. This statement must include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

BOARD NOTE: Derived from 40 CFR 270.62(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

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 subsection (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 that includes the following:

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 Appendix H to 35 Ill. Adm. Code 721, that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Appendix H to 35 Ill. Adm. Code 721 that 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 appropriate analytical methods; and

D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the appropriate analytical methods;

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

2) A detailed engineering description of the incinerator for which the permit is sought including the following:

A) Manufacturer's name and model number of incinerator (if available);

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 systems;

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;

4) A detailed test schedule for each waste for which the trial burn is planned including dates, duration, quantity of waste to be burned, and other factors relevant to the Agency's decision under subsection (e);

5) 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 that 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 subsection (b) and the criteria in subsection (e). Such information must be requested by the Agency pursuant to 35 Ill. Adm. Code 705.123;

c) The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and must require the applicant, pursuant to 35 Ill. Adm. Code 705.123, to supplement this information, if necessary, to achieve the purposes of this Section;

d) Based on the waste analysis data in the trial burn plan, the Agency must 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 must 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 Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituent of constituents identified in Appendix G or H to 35 Ill. Adm. Code 721 as the basis for listing;

e) The Agency must approve a trial burn plan if it finds the following:

1) That the trial burn is likely to determine whether the incinerator performance standard required by 35 Ill. Adm. Code 724.443 can be met;

2) That the trial burn itself will not present an imminent hazard to human health or the environment;

3) That the trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 724.445; and

4) That the information sought in subsections (e)(1) and (e)(3) cannot reasonably be developed through other means;

f) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

1) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

2) This notice must contain the following:

A) The name and telephone number of the applicant's contact person;

B) The name and telephone number of the Agency regional office appropriate for the facility;

C) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

D) An expected time period for commencement and completion of the trial burn;

g) 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 POHCs, 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);

5) If the HCl (hydrogen chloride) emission rate exceeds 1.8 kilograms (4 pounds) of HCl 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 specifies 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;

h) 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 subsection (g). This submission must be made within 90 days after completion of the trial burn, or later, if approved by the Agency;

i) All data collected during any trial burn must be submitted to the Agency following the completion of the trial burn;

j) All submissions required by this Section 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;

k) Based on the results of the trial burn, the Agency must set the operating requirements in the final permit according to 35 Ill. Adm. Code 724.445. The permit modification must proceed as a minor modification according to Section 703.280.

BOARD NOTE: Derived from 40 CFR 270.62(b) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.224 Incinerator Conditions After Trial Burn

For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Agency may establish permit conditions, including, but not limited to, allowable waste feeds and operating conditions sufficient to meet the requirements of 35 Ill. Adm. Code 724.445, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation, and submission of the trial burn results by the applicant and modification of the facility permit by the Agency.

a) Applicants must submit a statement, with Part B of the permit application, that identifies the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.443, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

BOARD NOTE: Derived from 40 CFR 270.62(c) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.225 Trial Burns for Existing Incinerators

For the purpose 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 applicant for a permit for an existing hazardous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with Sections 703.205(b) and 703.223(b) through (e) and (g) through (j) or, instead, submit other information, as specified in Section 703.205(c). The Agency must announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of Section 703.223(f). The contents of the notice must include the following: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under Section 703.205(a) are exempt from compliance with 35 Ill. Adm. Code 724.443 and 724.445 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants that submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in Section 703.223(g), with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Agency must specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

BOARD NOTE: Derived from 40 CFR 270.62(d) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.230 Land Treatment Demonstration

a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of 35 Ill. Adm. Code 724.372, the Agency may issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in 35 Ill. Adm. Code 724.372(c). The permit must be issued either as a treatment or disposal permit, covering only the field test or laboratory analyses, or as a two-phase facility permit, covering the field tests, or laboratory analyses and design, construction, operation, and maintenance of the land treatment unit.

1) The Agency must issue a two-phase facility permit if it finds, based on information submitted in Part B of the application, that substantial information already exists, although incomplete or inconclusive, upon which to base the issuance of a facility permit;

2) If the Agency finds that not enough information exists upon which it can establish permit conditions to attempt to provide for compliance with all of the requirements of Subpart M of 35 Ill. Adm. Code 724, it must issue a treatment demonstration permit covering only the field test or laboratory analyses;

b) If the Agency finds that a phased permit is to be issued, it must establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions must include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration cleanup activities, and any other conditions that the Agency finds necessary under 35 Ill. Adm. Code 724.372(c). The Agency must include conditions in the second phase of the facility permit to attempt to meet all Subpart M of 35 Ill. Adm. Code 724 requirements pertaining to unit design, construction, operation and maintenance. The Agency must establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application, as follows:

1) The first phase of the permit becomes effective as provided in 35 Ill. Adm. Code 705.201(d);

2) The second phase of the permit becomes effective as provided in subsection (d) of this Section;

c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, it must submit to the Agency a certification, signed by a person authorized to sign a permit application or report under 35 Ill. Adm. Code 702.126, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses, unless the Agency approves a later date;

d) If the Agency determines that the results of the field tests or laboratory analyses meet the requirements of 35 Ill. Adm. Code 724.372, it must modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with Subpart M of 35 Ill. Adm. Code 724, based upon the results of the field tests or laboratory analyses.

1) This permit modification may proceed as a minor modification under Section 703.280, or otherwise must proceed as a modification under Section 703.271(b). If such modifications are necessary, the second phase

of the permit becomes effective only after those modifications have been made.

2) If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made, the Agency must give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of final decision on the second phase of the permit. The second phase of the permit then becomes effective as specified in 35 Ill. Adm. Code 705.201(d).

BOARD NOTE: Derived from 40 CFR 270.63 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.231 Research, Development and Demonstration Permits

a) The Agency may issue a research, development, and demonstration permit for any hazardous waste treatment facility that proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated pursuant to 35 Ill. Adm. Code 724 or 726. Any such permit must include such terms and conditions as will adequately protect human health and the environment. Such a permit must provide as follows:

1) It must provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year, unless renewed as provided in subsection (d) of this Section;

2) It must provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and

3) It must include such requirements as necessary to adequately protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as necessary regarding testing and providing of information to the Agency with respect to the operation of the facility.

b) For the purpose of expediting review and issuance of permits pursuant to this Section, the Agency may, consistent with adequate protection of human health and the environment, modify or waive permit application and permit issuance requirements in this Part and 35 Ill. Adm. Code 702 and 705 except that there

may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

c) Pursuant to Section 34 of the Act [415 ILCS 5/34], the Agency may order an immediate termination of all operations at the facility at any time it determines that termination is necessary to adequately protect human health and the environment. The permittee may seek Board review of the termination pursuant to Section 34(d) of the Act [415 ILCS 5/39(d)].

d) Any permit issued pursuant to this Section may be renewed not more than three times. Each such renewal must be for a period of not more than one year.

BOARD NOTE: Derived from 40 CFR 270.65 (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

When the owner or operator of a cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations of the federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance pursuant to 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of subpart EEE of 40 CFR 63), this Section does not apply. This Section does apply, however, if the Agency determines certain provisions are necessary to ensure compliance with 35 Ill. Adm. Code 726.202(e)(1) and (e)(2)(C) if the owner or operator elects to comply with Section 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events; or if the facility is an area source and the owner or operator elects to comply with the Sections 726.205, 726.206, and 726.207 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or if the Agency determines certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with Sections 703.188, 703.189, and 703.241(a)(2) and (a)(3).

a) General. The owner or operator of a new boiler or industrial furnace (one not operating under the interim status standards of 35 Ill. Adm. Code 726.203) is subject to subsections (b) through (f). A boiler or industrial furnace operating under the interim status standards of 35 Ill. Adm. Code 726.203 is subject to subsection (g).

b) Permit Operating Periods for a New Boiler or Industrial Furnace. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency must establish permit conditions in the pretrial burn period, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency must extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Sections 703.280 through 703.283.

A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).

B) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

2) Trial Burn Period. For the duration of the trial burn, the Agency must establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.202(e). Applicants must propose a trial burn plan, prepared pursuant to subsection (c), to be submitted with Part B of the permit application.

3) Post-Trial Burn Period

A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency must establish the operating requirements most likely to ensure compliance with the performance standards

of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202 (e).

C) The Agency must review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency must develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency must make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Sections 703.280 through 703.283.

c) Requirements for Trial Burn Plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, must evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection (c).

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes the following:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine and chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including the following:

A) An identification of any hazardous organic constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are present in the feed stream, except that the applicant need not analyze for constituents

listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The analysis must be conducted in accordance with appropriate analytical methods;

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the appropriate analytical methods; and

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods", but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] . . . :
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

3) A detailed engineering description of the boiler or industrial furnace, including the following:

A) Manufacturer's name and model number of the boiler or industrial furnace;

B) Type of boiler or industrial furnace;

C) Maximum design capacity in appropriate units;

D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;

E) Capacity of hazardous waste feed system;

F) Description of automatic hazardous waste feed cutoff systems;

G) Description of any pollution control system; and

H) Description of stack gas monitoring and any pollution control monitoring systems.

4) 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 sample analysis.

5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including dates, duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision pursuant to subsection (b)(2).

6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

7) A description of and planned operating conditions for any emission control equipment that will be used.

8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection (c) and the criteria in subsection (b)(2).

d) Trial Burn Procedures

1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.

2) The Agency must approve a trial burn plan if the Agency finds as follows:

A) That the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;

B) That the trial burn itself will not present an imminent hazard to human health and the environment;

C) That the trial burn will help the Agency to determine operating requirements to be specified pursuant to 35 Ill. Adm. Code 726.102(e); and

D) That the information sought in the trial burn cannot reasonably be developed through other means.

3) The Agency must send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.

A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.

B) This notice must contain the following:

i) The name and telephone number of applicant's contact person;

ii) The name and telephone number of the Agency regional office appropriate for the facility;

iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

iv) An expected time period for commencement and completion of the trial burn.

4) 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 submit the results of all the determinations required in subsection (c). The Agency must, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.

6) All submissions required by this subsection (d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report pursuant to 35 Ill. Adm. Code 702.126.

e) Special Procedures for DRE Trial Burns. When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.104, the Agency must specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in Subpart D of 35 Ill. Adm. Code 721, the hazardous waste organic constituents identified in Appendix G to 35 Ill. Adm. Code 721 as the basis for listing.

f) Determinations Based on Trial Burn. 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 levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

2) When a DRE trial burn is required pursuant to 35 Ill. Adm. Code 726.204(a), the following determinations:

A) A quantitative analysis of the trial POHCs in the hazardous waste feed;

B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and

C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a);

3) When a trial burn for chlorinated dioxins and furans is required pursuant to 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;

4) When a trial burn for PM, metals, or HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas, and computations showing conformance with the applicable emission performance standards;

5) When a trial burn for DRE, metals, and HCl and chlorine gas is required pursuant to 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine and chloride;

6) An identification of sources of fugitive emissions and their means of control;

7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required, hydrocarbons (HC) in the stack gas; and

8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

g) Interim Status Boilers and Industrial Furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions pursuant to 35 Ill. Adm. Code 726.203, an applicant that owns or operates an existing boiler or industrial furnace that is operated under the interim status standards of 35 Ill. Adm. Code 726.203 must either prepare and submit a trial burn plan and perform a trial burn in accordance with this Section or submit other information as specified in Section 703.208(a)(6). The Agency must announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3). The contents of the notice must include all of the following information: the name and telephone number of a contact person at the facility; the name and telephone number of the Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Agency approval of the plan, and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application must complete the trial burn and submit the results specified in subsection (f) with the

Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.234 Remedial Action Plans

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.

BOARD NOTE: Derived from 40 CFR 270.68 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.238 RCRA Standardized Permits for Storage and Treatment Units

A RCRA standardized permit is a special form of permit for the owner or operator of a TSD that engages in either of the following activities:

a) It generates hazardous waste and then non-thermally treats or stores the hazardous waste on-site in tanks, containers, or containment buildings; or

b) It receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and then it stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings. The owner or operator of a facility operating under a RCRA standardized permit is regulated pursuant to Subpart J of this Part, Subpart G of 35 Ill. Adm. Code 705, and 35 Ill. Adm. Code 727.

BOARD NOTE: Derived from 40 CFR 270.67, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section 703.240 Permit Denial

The Agency may, pursuant to the procedures of 35 Ill. Adm. Code 705, deny the permit application either in its entirety or only as to the active life of a HWM facility or unit.

BOARD NOTE: Derived from 40 CFR 270.29 (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.241 Establishing Permit Conditions

a) General conditions:

1) In addition to the conditions established pursuant to 35 Ill. Adm. Code 702.160(a), each RCRA permit must include permit conditions necessary to achieve compliance with each of the applicable requirements specified in 35 Ill. Adm. Code 724 and 726 through 728. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 and 726 through 728 directly into the permit or establish other permit conditions that are based on these Parts;

2) Each RCRA permit issued pursuant to Section 39(d) of the Environmental Protection Act [415 ILCS 5/39(d)] must contain terms and conditions that the Agency determines are necessary to adequately protect human health and the environment; and

3) If, as the result of an assessments or other information, the Agency determines that conditions, in addition to those required under subpart EEE of 40 CFR 63 or 35 Ill. Adm. Code 724 or 726, are necessary to ensure adequate protection of human health and the environment, the Agency must include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.

BOARD NOTE: Subsection (a) derived from 270.32(b) (2012).

b) The conditions specified in this Subpart F, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

BOARD NOTE: Subsection (b) derived from 40 CFR 270.30 preamble (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.242 Noncompliance Pursuant to Emergency Permit

In addition to 35 Ill. Adm. Code 702.141 (duty to comply), the permittee need not comply with the conditions of its permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See Section 703.221).

BOARD NOTE: Derived from 40 CFR 270.30(a) (1992).

(Source: Amended at 18 Ill. Reg. 18316, effective December 20, 1994)

Section 703.243 Monitoring

In addition to 35 Ill. Adm. Code 702.150 (monitoring) the following apply:

a) The permittee must retain records of all monitoring information, including the certification required by 35 Ill. Adm. Code 724.173(b)(3), for a period of at least three years from the date of the certification.

b) The permittee must 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.

BOARD NOTE: Derived from 40 CFR 270.30(j)(2) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.244 Notice of Planned Changes (Repealed)

(Source: Repealed at 18 Ill. Reg. 18316, effective December 20, 1994)

Section 703.245 Twenty-four Hour Reporting

a) The permittee must report any non-compliance that may endanger health or the environment orally within 24 hours after the permittee becomes aware of the circumstances, including the following:

1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;

2) Any information of a release or discharge of hazardous waste, or of a fire or explosion from a HWM facility, that could threaten the environment or human health outside the facility.

b) The description of the occurrence and its cause must include the following:

1) Name, address, and telephone number of the owner or operator;

2) Name, address, and telephone number of the facility;

3) Date, time, and type of incident;

4) Name and quantity of materials involved;

5) The extent of injuries, if any;

6) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

7) Estimated quantity and disposition of recovered material that resulted from the incident.

c) A written submission must also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission must contain a description of the non-compliance and its cause; the period of noncompliance including exact dates, times, and, if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Agency may waive the five-day written notice requirement in favor of a written report within 15 days.

BOARD NOTE: Derived from 40 CFR 270.30(l)(6) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.246 Reporting Requirements

The following reports required by 35 Ill. Adm. Code 724 must be submitted in addition to those required by 35 Ill. Adm. Code 702.152 (reporting requirements):

a) Manifest discrepancy report: if a significant discrepancy in a manifest is discovered, the permittee must: ~~attempt to reconcile the discrepancy. If not resolved within 15 days, the permittee must submit a letter report including a copy of the manifest to the Agency (see 35 Ill. Adm. Code 724.172).~~

1) Attempt to reconcile the discrepancy. If not resolved within 20 days, the permittee must submit a letter report including a copy of the manifest to the Agency (see 35 Ill. Adm. Code 724.172).

2) Beginning on December 1, 2025, attempt to reconcile the discrepancy. If not resolved within 20 days, the permittee must immediately submit a Discrepancy Report to the USEPA e-manifest System describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

b) Unmanifested waste report. A permittee must: ~~if hazardous waste is received without an accompanying manifest, the permittee must submit an unmanifested waste report to the Agency within 15 days of receipt of unmanifested waste. (see 35 Ill. Adm. Code 724.176)~~

1) Submit the Unmanifested Waste Report to the Agency within 15 days of receipt of unmanifested waste. (See 35 Ill. Adm. Code 724.176)

2) Beginning on December 1, 2025, submit an electronic Unmanifested Waste Report in the USEPA e-Manifest system for submission to the USEPA within 15 days of receipt of unmanifested waste. (See 35 Ill. Adm. Code 724.176)

c) Facility activities report: a facility activities report must be submitted covering facility activities as described in 35 Ill. Adm. Code 724.175.

BOARD NOTE: Derived from 40 CFR 270.30(l)(7) through (l)(9) (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.247 Anticipated Noncompliance

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee must not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee must not treat, store, or dispose of hazardous waste in the modified portion of the facility, except as provided in Section 703.280, until one of the following has occurred:

a) The permittee has submitted to the Agency by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

b) Either:

1) The Agency has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

2) Within 15 days after the date of submission of the letter in subsection (a) of this Section, the permittee has not received notice from the Agency of its intent to inspect, the permittee may commence treatment, storage, or disposal of hazardous waste.

BOARD NOTE: Derived from 40 CFR 270.30(l)(2) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.248 Information Repository

The Agency may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Section 703.193(b). The information repository must be governed by the provisions in Section 703.193(c) through (f).

BOARD NOTE: Derived from 40 CFR 270.30(m) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

SUBPART G: CHANGES TO PERMITS

Section 703.260 Transfer

a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or reissued (pursuant to subsection (b) of this Section or Section 703.272) to identify the new permittee and incorporate such other requirements as are necessary under the appropriate Act. The new owner or operator to whom the permit is transferred must comply with all the terms and conditions specified in such permit.

b) Changes in the ownership or operational control of a facility must be made as a Class 1 modification with the prior written approval of the Agency in accordance with Section 703.281 or as a routine change with prior Agency approval pursuant to 35 Ill. Adm. Code 705.304(c). The new owner or operator must submit a revised permit application no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the Agency. When a transfer of ownership or operational control occurs, the old owner or operator must comply with Subpart H of 35 Ill. Adm. Code 724 (Financial Requirements), until the new owner or operator has demonstrated compliance with that Subpart. The new owner or operator must demonstrate compliance with that Subpart within six months after the date of change of operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with that Subpart, the Agency must notify the old owner or operator that the old owner or operator no longer needs to comply with that Subpart as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.40 (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

BOARD NOTE: The new operator may be required to employ a chief operator that is certified pursuant to 35 Ill. Adm. Code 745.

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.270 Modification or Reissuance

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee, as required in the permit (see 35 Ill. Adm. Code 702.140 through 702.152 and Section 703.241 et seq.), receives a request for reissuance pursuant to 35 Ill. Adm. Code 705.128, or conducts a review of the permit file) it may determine whether or not one or more of the causes, listed in Sections 703.271 or 703.272, for modification, reissuance, or both, exist. If cause exists, the Agency must modify or reissue the permit accordingly, subject to

the limitations of Section 703.273, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. (See 35 Ill. Adm. Code 705.128(c)(2).) If cause does not exist pursuant to Section 703.271 or 703.272, the Agency must not modify or reissue the permit, except on the request of the permittee. If a permit modification is requested by the permittee, the Agency must approve or deny the request according to the procedures of Section 703.280 through 703.283 or Section 703.353 and Subpart G of 35 Ill. Adm. Code 705. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 must be followed.

BOARD NOTE: Derived from the preamble to 40 CFR 270.41 (2017). The Board has chosen to use "reissue" where the corresponding federal provisions use "revoke and reissue". Revocation is a remedy in the context of an enforcement action that is reserved to the Board. See 415 ILCS 5/33(b); 35 Ill. Adm. Code 702.186. The Board intends that a reissued permit completely supercede the earlier version of that permit.

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.271 Causes for Modification

The following are cause for modification, but not reissuance, of permits; the following are cause for reissuance as well as modification when the permittee requests or agrees:

a) Alterations. There are material and substantial alterations or additions to the permitted facility or activity that 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 will 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.

c) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued.

d) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

e) The Agency must also modify a permit as follows:

1) When modification of a closure plan is required under 35 Ill. Adm. Code 724.212(b) or 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 724.213, 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 724.247(c) for a modification to the level of financial responsibility or when the Agency demonstrates under 35 Ill. Adm. Code 724.247(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 724.200 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 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 724.199, 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) Notwithstanding any other provision of this Section, when a permit for a land disposal facility is reviewed under 35 Ill. Adm. Code 702.161(d), the Agency must modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this Part and 35 Ill. Adm. Code 702, 703, and 720 through 727.

BOARD NOTE: Derived from 40 CFR 270.41(a) (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.272 Causes for Modification or Reissuance

The following are causes to modify or, alternatively, reissue a permit:

a) This subsection (a) corresponds with 40 CFR 270.41(b)(1), which pertains to termination of a permit, which is not possible through an administrative action of the Agency. This statement maintains structural consistency with the corresponding federal rules.

b) The Agency has received notification (as required in the permit, see 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of the permit; or

c) The Agency has received notification under 35 Ill. Adm. Code 705.301(a)(2) of a facility owner's or operator's intent to be covered by a RCRA standardized permit.

BOARD NOTE: Derived from 40 CFR 270.41(b) (2005), as amended at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.273 Facility Siting

Suitability of the facility location will not be considered at the time of permit modification or reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act [415 ILCS 5/39.2].

BOARD NOTE: Derived from 40 CFR 270.41(c) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.280 Permit Modification at the Request of the Permittee

a) Class 1 Modifications. See Section 703.281.

b) Class 2 Modifications. See Section 703.282.

c) Class 3 Modifications. See Section 703.283.

d) Other Modifications

1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee must provide the Agency with the necessary information to support the requested classification.

2) The Agency must make the determination described in subsection (d)(1) as promptly as practicable. In determining the appropriate class for a specific modification, the Agency must consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to adequately protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.

B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

i) Common variations in the types and quantities of the wastes managed under the facility permit;

ii) Technological advances; and

iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary Authorizations

1) Upon request of the permittee, the Agency must, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection (e). Temporary authorizations have a term of not more than 180 days.

2) Procedures

A) The permittee may request a temporary authorization for the following:

i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B); and

ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) or that meets the criteria in subsections (e)(3)(B)(iii) through (e)(3)(B)(v) and provides improved management or treatment of a hazardous waste already listed in the facility permit.

B) The temporary authorization request must include the following:

i) A description of the activities to be conducted under the temporary authorization;

ii) An explanation of why the temporary authorization is necessary; and

iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.

C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency must approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency must find as follows:

A) That the authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.

B) That the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

i) To facilitate timely implementation of closure or corrective action activities;

ii) To allow treatment or storage in tanks, containers, or containment buildings, in accordance with 35 Ill. Adm. Code 728;

iii) To prevent disruption of ongoing waste management activities;

iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

v) To facilitate other changes to adequately protect human health and the environment.

4) A temporary authorization must be reissued for one additional term of up to 180 days, provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and either of the following is true:

A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D); or

B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public Notice and Appeals of Permit Modification Decisions

1) The Agency must notify persons on the facility mailing list and appropriate units of State and local government within 10 days after any decision to grant or deny a Class 2 or 3 permit modification request. The Agency must also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect pursuant to Section 703.282(f)(3) or (f)(5).

2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.

3) An automatic authorization that goes into effect pursuant to Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization

until the Board enters a final order on the appeal notwithstanding the provisions of 35 Ill. Adm. Code 705.204.

g) Newly Regulated Wastes and Units

1) The permittee is authorized to continue to manage wastes listed or identified as hazardous pursuant to 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if each of the following is true:

A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;

C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;

D) The permittee also submits a complete Class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards pursuant to 35 Ill. Adm. Code 724, 725, or 726; and

E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate pursuant to this Section.

2) New wastes or units added to a facility's permit pursuant to this subsection (g) do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

h) Military Hazardous Waste Munitions Treatment and Disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if each of the following is true:

1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.

i) Permit Modification List. The Agency must maintain a list of all approved permit modifications and must publish a notice once a year in a State-wide newspaper that an updated list is available for review.

j) Combustion Facility Changes to Meet 40 CFR 63 MACT Standards. The following procedures apply to hazardous waste combustion facility permit modifications requested pursuant to Appendix A, paragraph L(9).

1) A facility owner or operator must have complied with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to October 11, 2000, (see subpart EEE of 40 CFR 63 (2000), incorporated by reference in 35 Ill. Adm. Code 720.111(b)) in order to request a permit modification pursuant to this Section for the purpose of technology changes needed to meet the standards of 40 CFR 63.1203, 63.1204, and 63.1205, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) If the Agency does not act to either approve or deny the request within 90 days of receiving it, the request must be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired. A facility owner or operator must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards as added on October 12, 2005, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

k) Waiver of RCRA Permit Conditions in Support of Transition to the 40 CFR 63 MACT Standards

1) The facility owner or operator may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix A, paragraph L.10. The owner or operator must provide the information described in subsections (k)(1)(A) though (k)(1)(C), with Agency review subject to the conditions of subsection (k)(1)(D):

A) It must identify the specific RCRA permit operating and emissions limits that the owner or operator is requesting to waive;

B) It must provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and

C) It must discuss how the revised provisions will be sufficiently protective.

D) The Agency must approve or deny the request within 30 days after receipt of the request. The Agency may, at its discretion, extend this 30-day deadline one time for up to 30 days by notifying the facility owner or operator in writing.

2) To request this modification in conjunction with MACT performance testing, where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207(h)(2)(i) and (h)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the Agency) the owner or operator must fulfill the conditions of subsection (k)(2)(A), subject to the conditions of subsection (k)(2)(B):

A) It must submit its modification request to the Agency at the same time it submits its test plans to the Agency.

B) The Agency may elect to approve or deny the request contingent upon approval of the test plans.

l) This subsection (l) corresponds with 40 CFR 270.42(l), which USEPA removed and marked reserved at 81 Fed. Reg. 85732 (November 28, 2016). This statement maintains structural consistency with the corresponding federal requirements.

BOARD NOTE: Derived from 40 CFR 270.42(d) through (k) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.281 Class 1 Modifications

a) Except as provided in subsection (a)(2) of this Section, the permittee may put into effect Class I modifications listed in Appendix A under the following conditions:

1) The permittee must notify the Agency concerning the modification by certified mail or other means that establish proof of delivery within 7 calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.

2) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a)(4), and the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior Agency approval, the notification must be made within 90 calendar days after the Agency approves the request.

3) Any person may request the Agency to review, and the Agency must for cause reject, any Class 1 modification. The Agency must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

b) Class 1 permit modifications identified in Appendix A by an asterisk must be made only with the prior written approval of the Agency.

c) For a Class 1 permit modification, the permittee may elect to follow the procedures in Section 703.282 for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the Agency of this decision in the notice required in Section 703.282(b)(1).

BOARD NOTE: Derived from 40 CFR 270.42(a) (2002).

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.282 Class 2 Modifications

a) For Class 2 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:

1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

2) Identifies that the modification is a Class 2 modification;

3) Explains why the modification is needed; and

4) Provides the applicable information required by Section 703.181 through 703.185, 703.201 through 703.207, 703.221 through 703.225, and 703.230.

b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government as specified in 35 Ill. Adm. Code 705.163(a)(5) and must, to the extent practicable, publish this notice in a newspaper of general circulation published in the County in which the facility is located. If no such newspaper exists, the permittee must publish the notice in a newspaper of general circulation in the vicinity of the facility. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include:

1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;

2) Announcement of the date, time and place for a public meeting held in accordance with subsection (d);

3) Name and telephone number of the permittee's contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person".

c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held in the

County in which the permitted facility is located, unless it is impracticable to do so, in which case the hearing must be held in the vicinity of the facility.

e) The public must be provided 60 days to comment on the modification request. The comment period begins on the date that the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

f) Agency Decision

1) No later than 90 days after receipt of the notification request, the Agency must:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for either of the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3;

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days; or

E) Notify the permittee that the Agency will decide on the request within the next 30 days.

2) If the Agency notifies the permittee of a 30-day extension for a decision, the Agency must, no later than 120 days after receipt of the modification request, do the following:

A) Approve the modification request, with or without changes, and modify the permit accordingly;

B) Deny the request;

C) Determine that the modification request must follow the procedures in Section 703.283 for Class 3 modifications for the following reasons:

i) There is significant public concern about the proposed modification; or

ii) The complex nature of the change requires the more extensive procedures of Class 3; or

D) Approve the request, with or without changes, as a temporary authorization having a term of up to 180 days.

3) If the Agency fails to make one of the decisions specified in subsection (f)(2) by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal Agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725. If the Agency approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in subsections (f)(1), (f)(2), or (f)(3), such action cancels the temporary or automatic authorization.

4) Notification by Permittee

A) In the case of an automatic authorization under subsection (f)(3), or a temporary authorization under subsection (f)(1)(D) or (f)(2)(D), if the Agency has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must, within seven days after that time, send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that informs them as follows:

i) That the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

ii) That, unless the Agency acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

B) If the owner or operator fails to notify the public by the date specified in subsection (f)(4)(A), the effective date of the

permanent authorization will be deferred until 50 days after the owner or operator notifies the public.

5) Except as provided in subsection (f)(7), if the Agency does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under Section 703.270 or Section 703.280. The activities authorized under this subsection must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 35 Ill. Adm. Code 725.

6) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the Agency must consider all written comments submitted to the Agency during the public comment period and must respond in writing to all significant comments in the Agency's decision.

7) With the written consent of the permittee, the Agency may extend indefinitely or for a specified period the time periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

g) The Agency must deny or change the terms of a Class 2 permit modification request under subsections (f)(1) through (f)(3) for the following reasons:

1) The modification request is incomplete;

2) The requested modification does not comply with the appropriate requirements of 35 Ill. Adm. Code 724 or other applicable requirements; or

3) The conditions of the modification fail to protect human health and the environment.

h) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the Agency establishes a later date for commencing construction and informs the permittee in writing before day 60.

BOARD NOTE: Derived from 40 CFR 270.42(b) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.283 Class 3 Modifications

a) For Class 3 modifications, listed in Appendix A, the permittee must submit a modification request to the Agency that does the following:

1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

2) Identifies that the modification is a Class 3 modification;

3) Explains why the modification is needed; and

4) Provides the applicable information required by Section 703.181 through 703.187, 703.201 through 703.209, 703.221 through 703.225, 703.230, and 703.232.

b) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and must publish this notice in a newspaper of general circulation in the county in which the facility is located. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the Agency evidence of the mailing and publication. The notice must include the following:

1) Announcement of a 60-day comment period, in accordance with subsection (e), and the name and address of an Agency contact to whom comments must be sent;

2) Announcement of the date, time, and place for a public meeting held in accordance with subsection (d);

3) Name and telephone number of the permittee's contact person;

4) Name and telephone number of an Agency contact person;

5) Locations where copies of the modification request and any supporting documents can be viewed and copied; and

6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person".

c) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

d) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b) and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

e) The public must be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.

f) After the conclusion of the 60-day comment period, the Agency must grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency must consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c) (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

SUBPART H: REMEDIAL ACTION PLANS

Section 703.300 Special Regulatory Format

USEPA wrote the federal counterpart to this Subpart H, subpart H of 40 CFR 270, in a special format to make it easier to understand the regulatory requirements. The Board has adapted the substance of the corresponding federal regulations in this Subpart H to use a more conventional regulatory format, rather than the question-and-answer format used by USEPA.

BOARD NOTE: Derived from 40 CFR 270.79 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.301 General Information

a) Definition of a RAP.

1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.

2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.

3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.

4) A RAP may be either of the following:

A) A stand-alone document that includes only the information and conditions required by this Subpart H; or

B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.

5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.

6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.80 (2002).

b) When an owner or operator needs a RAP.

1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator must obtain either of the following:

A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or

B) A RAP according to this Subpart H.

2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.

3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or

operator must have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator must submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified or reissued, or terminated, or when it expires, the permit will be modified, according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283, it will be reissued, according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or it will be terminated, according to the applicable requirements in 35 Ill. Adm. Code 702.186, or the permit will expire, according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.85 (2002).

c) The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.90 (2002). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Amended at 27 Ill. Reg. 3496, effective February 14, 2003)

Section 703.302 Applying for a RAP

a) Applying for a RAP. To apply for a RAP, an owner or operator must complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.95 (2012).

b) The person who must obtain a RAP. When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner must also sign the RAP application.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.100 (2012).

c) The person who must sign the application and any required reports for a RAP. Both the owner and the operator must sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator must also make the certification required pursuant to 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification pursuant to 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies pursuant to 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.105 (2012).

d) What an owner or operator must include in its application for a RAP. An owner or operator must include the following information in its application for a RAP:

1) The name, address, and USEPA identification number of the remediation waste management site;

2) The name, address, and telephone number of the owner and operator;

3) The latitude and longitude of the site;

4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;

5) A scaled drawing of the remediation waste management site showing the following:

A) The remediation waste management site boundaries;

B) Any significant physical structures; and

C) The boundary of all areas on-site where remediation waste is to be treated, stored, or disposed of;

6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on the following:

A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated or otherwise managed;

B) An estimate of the quantity of these wastes; and

C) A description of the processes an owner or operator will use to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters an owner or operator will use to treat hazardous remediation wastes before disposing of them according to the land disposal restrictions of 35 Ill. Adm. Code 728, as applicable;

7) Enough information to demonstrate that operations that follow the provisions in the owner's or operator's RAP application will ensure compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;

8) Such information as may be necessary to enable the Agency to carry out its duties under other federal laws as is required for traditional RCRA permits pursuant to Section 703.183(t);

9) Any other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to adequately protect human health and the environment.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.110 (2012).

e) If an owner or operator wants to keep this information confidential. 35 Ill. Adm. Code 130 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency pursuant to this Subpart H. An owner or operator must assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code 130.302. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 130.200 at the time it submits the information, the Agency must treat the information according to the procedures in 35 Ill. Adm. Code 130. If an owner or operator does not assert a claim at the time it submits the information, the Agency must make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of an owner's or operator's name or address.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.115 (2012).

f) To whom the owner or operator must submit its RAP application. An owner or operator must submit its application for a RAP to the Agency for approval.

BOARD NOTE: Subsection (f) is derived from 40 CFR 270.120 (2012).

g) If an owner or operator submits its RAP application as part of another document, what the owner or operator must do. If an owner or operator submits its application

for a RAP as a part of another document, an owner or operator must clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: Subsection (g) is derived from 40 CFR 270.125 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

Section 703.303 Getting a RAP Approved

a) The process for approving or denying an application for a RAP.

1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency must make a tentative decision to approve the RAP application. The Agency must then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.

2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation waste management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed pursuant to Section 39 of the Act [415 ILCS 5/39]. After making this tentative decision, the Agency must prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.130 (2005).

b) What the Agency must include in a draft RAP. If the Agency prepares a draft RAP, the draft must include the following information:

1) The information required pursuant to Section 703.302(d)(1) through (d)(6);

2) The following terms and conditions:

A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;

B) The terms and conditions in Subpart F of this Part;

C) The terms and conditions for modifying, reissuing, and terminating the RAP, as provided in Section 703.304(a); and

D) Any additional terms or conditions that the Agency determines are necessary to adequately protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency must clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.135 (2005).

c) What else the Agency must prepare in addition to the draft RAP or notice of intent to deny. Once the Agency has prepared the draft RAP or notice of intent to deny, it must then do the following:

1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;

2) Compile an administrative record, including the following information:

A) The RAP application, and any supporting data furnished by the applicant;

B) The draft RAP or notice of intent to deny;

C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and

D) Any other documents that support the decision to approve or deny the RAP; and

3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.140 (2005).

d) The procedures for public comment on the draft RAP or notice of intent to deny.

1) The Agency must publish notice of its intent as follows:

A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;

B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;

C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and

D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.

2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.

3) The notice required by subsection (d)(1) of this Section must include the following information:

A) The name and address of the Agency office processing the RAP application;

B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;

C) A brief description of the activity the RAP will regulate;

D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;

E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;

F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;

G) If a hearing is not scheduled, a statement of procedures to request a hearing;

H) The location of the administrative record, and times when it will be open for public inspection; and

I) Any additional information that the Agency considers necessary or proper.

4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency must hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency must schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:

A) A reference to the date of any previous public notices relating to the RAP application;

B) The date, time, and place of the hearing; and

C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.145 (2005).

e) How the Agency must make a final decision on a RAP application.

1) The Agency must consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may revise the draft RAP based on those comments, as appropriate.

2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.

3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.

4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it must withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.

5) When the Agency issues its final RAP decision, it must refer to the procedures for appealing the decision pursuant to subsection (f) of this Section.

6) Before issuing the final RAP decision, the Agency must compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:

   A) All comments received during the public comment period;

   B) Tapes or transcripts of any hearings;

   C) Any written materials submitted at these hearings;

   D) The responses to comments;

E) Any new material placed in the record since the draft RAP was issued;

F) Any other documents supporting the RAP; and

G) A copy of the final RAP.

7) The Agency must make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.150 (2005).

f) Administrative appeal of a decision to approve or deny a RAP application.

1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board pursuant to 35 Ill. Adm. Code 705.212. Any person that did not file comments, or did not participate in any public hearings on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions pursuant to 35 Ill. Adm. Code 705.201 (or a decision pursuant to Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required pursuant to Subpart D of 35 Ill. Adm. Code 705 and 705.212(c), the Agency must give public notice of any grant of review of a RAP through the same means used to provide notice pursuant to subsection (d) of this Section. The notice will include the following information:

A) The public hearing and any briefing schedule for the appeal, as provided by the Board;

B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and

C) The information specified in subsection (d)(3) of this Section, as appropriate.

2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Subsection (f) is derived from 40 CFR 270.155 (2005).

g) When a RAP becomes effective. A RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

1) The Agency specifies a later effective date in its decision;

2) An owner or operator or another person has appealed the RAP pursuant to subsection (f) of this Section (if the RAP is appealed, and the request for review is granted pursuant to subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or

3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Subsection (g) is derived from 40 CFR 270.160 (2005). The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed pursuant to Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

h) When an owner or operator may begin physical construction of new units permitted under the RAP. An owner or operator must not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a final, effective RAP.

BOARD NOTE: Subsection (h) is derived from 40 CFR 270.165 (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.304 How a RAP May Be Modified, Reissued, or Terminated

a) After a RAP is issued, how it may be modified, reissued, or terminated. In a RAP, the Agency must specify, either directly or by reference, procedures for any future modification, reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed pursuant to Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.170 (2005).

b) Reasons for which the Agency may choose to modify a final RAP.

1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons listed in this Section exist. If one or more of these reasons do not exist, then the Agency must not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:

A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;

B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;

C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;

D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;

E) The owner or operator is not in compliance with conditions of its RAP;

F) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;

G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the environment and can only be remedied by modifying the RAP; or

H) The owner or operator has notified the Agency (as required in the RAP and pursuant to 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility pursuant to Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, and 720 through 727.

3) The Agency must not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.175 (2005).

c) Reasons for which the Agency may choose to reissue a final RAP.

1) The Agency may reissue a final RAP on its own initiative only if one or more reasons for reissuance exist. If one or more reasons do not exist, then the Agency must not modify or reissue a final RAP, except at the owner's or operator's request. Reasons for modification or reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that reissuance of the RAP is appropriate.

2) The Agency must not reevaluate the suitability of the facility location at the time of RAP reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.180 (2005).

d) Reasons for which the Agency may choose to terminate a final RAP, or deny a renewal application. The Agency may terminate a final RAP on its own initiative or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.185 (2005).

e) Administrative appeal of an Agency decision to approve or deny a modification, reissuance, or termination of a RAP.

1) Any commenter on the modification, reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, reissuance, or termination of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

2) Any commenter on the modification, reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the

Agency's decision to deny a request for modification, reissuance, or termination to the Board. Any person that did not file comments or who did not participate in any public hearing on the modification, reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

3) The procedure for appeals of RAPs is as follows:

A) The person appealing the decision must send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

B) The Board has 120 days after receiving the petition to act on it.

C) If the Board does not take action on the petition within 120 days after receiving it, the appeal must be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3) (2002) allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.190 (2005). The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure pursuant to Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

f) Expiration of a RAP. RAPs must be issued for a fixed term, not to exceed ten years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency must review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator or the Agency must follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and federal RCRA sections 3004 and 3005 (42 USC 6904 and 6905).

BOARD NOTE: Subsection (f) is derived from 40 CFR 270.195 (2005).

g) How an owner or operator may renew a RAP that is expiring. If an owner or operator wishes to renew an expiring RAP, the owner or operator must follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Subsection (g) is derived from 40 CFR 270.200 (2005).

h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires. If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Subsection (h) is derived from 40 CFR 270.205 (2005).

(Source: Amended at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.305 Operating Under a RAP

a) The records an owner or operator must maintain concerning its RAP. An owner or operator is required to keep records of the following:

1) All data used to complete RAP applications and any supplemental information that an owner or operator submits for a period of at least three years from the date the application is signed; and

2) Any operating or other records the Agency requires an owner or operator to maintain as a condition of the RAP.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.210 (2002).

b) How time periods in the requirements in Subpart H of this Part and the RAP are computed.

1) Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if a RAP specifies that the owner or operator must close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of the 180 days, and the owner or operator would have to complete closure by November 28.)

2) Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if an owner or operator is transferring ownership or operational control of its site, and the owner or operator wishes to transfer

its RAP, the new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if an owner or operator plans to change ownership on January 1, the new owner or operator must submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

3) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then an owner or operator must petition the Board within 35 days after the Agency has issued the final RAP decision. If the 35th day falls on Sunday, then the owner or operator may submit its appeal by the Monday after. If the 35th day falls on July 4th, then the owner or operator may submit its appeal by July 5th.)

4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, four days may not be added to the prescribed term. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then the owner or operator must petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.215 (2002). Federal subsections (c) and (d) provide that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)]. Further, federal subsection (d) provides three days for completion of service by mail. The addition of four days (see procedural rule 35 Ill. Adm. Code 101.144(c)) to be consistent with 40 CFR 270.215(d) would exceed the 35 days allowed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

c) How an owner or operator may transfer its RAP to a new owner or operator.

1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator must follow the requirements specified in its RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of Section 703.304(a). The new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.

2) When a transfer of ownership or operational control occurs, the old owner or operator must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 724 (Financial Requirements) until the new owner or

operator has demonstrated that it is complying with the requirements in that Subpart. The new owner or operator must demonstrate compliance with Subpart H of 35 Ill. Adm. Code 724 within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with Subpart H of 35 Ill. Adm. Code 724 to the Agency, the Agency must notify the former owner or operator that it no longer needs to comply with Subpart H of 35 Ill. Adm. Code 724 as of the date of demonstration.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.220 (2002).

d) What the Agency must report about noncompliance with RAPs. The Agency must report noncompliance with RAPs according to the provisions of 40 CFR 270.5 (Noncompliance and Program Reporting by the Director), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.225 (2005).

(Source: Amended at 30 Ill. Reg. 2845, effective February 23, 2006)

Section 703.306 Obtaining a RAP for an Off-Site Location

An owner or operator may perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated.

a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.

b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency must approve a RAP for this alternative location.

c) An owner or operator must request the RAP, and the Agency must approve or deny the RAP, according to the procedures and requirements in this Subpart H.

d) A RAP for an alternative location must also meet the following requirements, which the Agency must include in the RAP for such locations:

1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;

3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;

4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time. (The owner or operator must demonstrate compliance with this standard through the requirements in Section 703.183(k).) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a).)

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in appendix VI to 40 CFR 264 (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and

2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of Subparts B, C, and D of 35 Ill. Adm. Code 724.

BOARD NOTE: Derived from 40 CFR 270.230 (2012).

(Source: Amended at 37 Ill. Reg. 17659, effective October 24, 2013)

SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS

Section 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to Minimize Emissions from Startup, Shutdown, and Malfunction Events

a) Facilities with Existing Permits

1) Revisions to permit conditions after documenting compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace, when requesting removal of permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b), may request that the Agency address permit

conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options:

A) Retain Relevant Permit Conditions. Under this option, the Agency must do the following:

i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.

B) Revise Relevant Permit Conditions. Under this option, the following must occur:

i) The Agency must identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;

ii) The Agency must retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

iii) The owner or operator must comply with subsection (a)(3).

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(1)(ii) in this subsection (a)(1)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(1)(ii)(A), (a)(1)(ii)(A)(*1*), and (a)(1)(ii)(A)(*2*) appear as subsections (a)(1)(B), (a)(1)(B)(i), and (a)(1)(B)(ii). The substance of 40 CFR 270.235(a)(1)(ii)(B) has been codified as subsection (a)(3). The Board added subsection (a)(1)(B)(iii) to direct attention to subsection (a)(3).

C) Remove Permit Conditions. Under this option the following are required:

i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and

ii) The Agency must remove permit conditions that are no longer applicable according to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

2) Addressing Permit Conditions upon Permit Reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), may request in the application to reissue the permit for the combustion unit that the Agency control emissions from startup, shutdown, and malfunction events under any of the following options:

A) RCRA Option A. Under this option, the Agency must do the following:

i) Include, in the permit, conditions that ensure compliance with 35 Ill. Adm. Code 724.445(a) and (c) or 726.202(e)(1) and (e)(2)(C) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

ii) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; or

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(i) in this subsection (a)(2)(A) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(i)(A), (a)(2)(i)(A)(1), and (a)(2)(i)(A)(2) appear as subsections (a)(2)(A), (a)(2)(A)(i), and (a)(2)(A)(ii).

B) RCRA Option B. Under this option, the following must occur:

i) The Agency must include, in the permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history;

ii) The Agency must specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan; and

iii) The owner or operator must comply with subsection (a)(3) of this Section; and

BOARD NOTE: The Board found it necessary to deviate from the structure of corresponding 40 CFR 270.235(a)(2)(ii) in this subsection (a)(2)(B) in order to comport with Illinois Administrative Code codification requirements. The substance of 40 CFR 270.235(a)(2)(ii)(A), (a)(2)(ii)(A)(1), and (a)(2)(ii)(A)(2) appear as subsections (a)(2)(B), (a)(2)(B)(i), and (a)(2)(B)(ii). The substance of 40 CFR 270.235(a)(2)(ii)(B) has been codified as subsection (a)(3). The Board added subsection (a)(2)(B)(iii) to direct attention to subsection (a)(3).

C) CAA Option. Under this option the following are required:

i) The owner or operator must document that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B); and

ii) The Agency must omit from the permit conditions that are not applicable pursuant to 35 Ill. Adm. Code 724.440(b) and 726.200(b).

3) Changes That May Significantly Increase Emissions

A) The owner or operator must notify the Agency in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. The owner or operator must notify the Agency of such changes within five days of making such changes. The owner or operator must identify in the notification recommended revisions

to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

B) The Agency may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents in either of the following ways:

i) Upon permit renewal; or

ii) If warranted, by modifying the permit pursuant to Section 703.270 or 703.280 through 703.283.

BOARD NOTE: The substance of 40 CFR 270.235(a)(1)(ii)(B) and (a)(2)(ii)(B) has been codified as this subsection (a)(3).

b) Interim Status Facilities

1) Interim status operations. In compliance with 35 Ill. Adm. Code 725.440 and 726.200(b), the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance documenting compliance with the standards of subpart EEE of 40 CFR 63:

A) RCRA Option. Under this option, the owner or operator must continue to comply with the interim status emission standards and operating requirements of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or

B) CAA Option. Under this option, the owner or operator is exempt from the interim status standards of 35 Ill. Adm. Code 725 or 726 relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submission of written notification and documentation to the Agency that the startup, shutdown, and malfunction plan required pursuant to 40 CFR 63.1206(c)(2) has been approved pursuant to 40 CFR 63.1206(c)(2)(ii)(B).

2) Operations Under a Subsequent RCRA Permit permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of 35 Ill. Adm. Code 725 or 726 submits a RCRA permit application, the owner or operator may request that the Agency control emissions from startup, shutdown, and malfunction events under any of the options provided by subsection (a)(2)(A), (a)(2)(B), or (a)(2)(C) of this Section.

c) New Units. A hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace unit that becomes subject to RCRA permit requirements must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:

1) It may comply with the requirements specified in 40 CFR 63.1206(c)(2), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

2) It may request to include in the RCRA permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information, including the source's startup, shutdown, and malfunction plan and design. The Agency must specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.

BOARD NOTE: Derived from 40 CFR 270.235 (2017). Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63.

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

SUBPART J: RCRA STANDARDIZED PERMITS FOR STORAGE AND TREATMENT UNITS

Section 703.350 General Information About RCRA Standardized Permits

a) RCRA Standardized Permit. A RCRA standardized permit (RCRA) is a special type of permit that authorizes the owner or operator of a facility to manage hazardous waste. A RCRA standardized permit is issued pursuant to Subpart G of 35 Ill. Adm. Code 705 and this Subpart J.

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.250 (2017).

b) Eligibility for a RCRA Standardized Permit

1) The facility owner or operator may be eligible for a RCRA standardized permit if the following conditions are fulfilled:

A) The facility generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or

B) The facility receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and the facility stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

C) The Agency must inform the facility owner or operator of its eligibility for a RCRA standardized permit when the Agency makes a decision on its permit application.

2) This subsection (b)(2) corresponds with 40 CFR 270.255(b), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.255 (2017).

c) Permit Requirements Applicable to a RCRA Standardized Permit. The following provisions of this Part and 35 Ill. Adm. Code 702 apply to a RCRA standardized permit:

1) General Information: All provisions derived from subpart A of 40 CFR 270 apply: Sections 703.110, 703.121 through 703.124, 703.158 through 703.160, and 703.161(a) and 35 Ill. Adm. Code 702.104, 702.110, 702.181, and 720.111.

2) Permit Application: All provisions derived from 40 CFR 270.10, 270.11, 270.12, 270.13, and 270.29 in subpart B of 40 CFR 270 apply: Sections 703.125, 703.126, 703.150 through 703.152, 703.157, 703.181, 703.186, 703.188, and 703.240 and 35 Ill. Adm. Code 702.103, 702.120 through 702.124, and 702.126.

3) Permit Conditions: All provisions derived from subpart C of 40 CFR 270 apply: Sections 703.241 through 703.248 and 35 Ill. Adm. Code 702.140 through 702.152, 702.160, and 702.162 through 702.164.

4) Changes to Permit: All provisions derived from 40 CFR 270.40, 270.41, and 270.43 in subpart D of 40 CFR 270 apply: Sections 703.260 and 703.270 through 703.273 and 35 Ill. Adm. Code 702.186.

5) Expiration and Continuation of Permits: All provisions derived from subpart E of 40 CFR 270 apply: 35 Ill. Adm. Code 702.125 and 702.161.

6) Special Forms of Permits: The provision derived from 40 CFR 270.67 in subpart F of 40 CFR 270 apply: Section 703.238.

7) Interim Status: All provisions derived from subpart G of 40 CFR 270 apply: Sections 703.153 through 703.157.

8) Remedial Action Plans: No provisions derived from subpart H of 40 CFR 270 apply: no provisions of Subpart H of 35 Ill. Adm. Code 703 apply.

9) RCRA Standardized Permits: All provisions derived from subpart J of 40 CFR 270 apply: this Subpart J.

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.260 (2017).

(Source: Amended at 42 Ill. Reg. 20993, effective November 19, 2018)

Section 703.351 Applying for a RCRA Standardized Permit

a) Application procedure. The facility owner or operator may apply for a RCRA standardized permit by following the procedures in this Subpart J and Subpart G of 35 Ill. Adm. Code 705.

BOARD NOTE: Subsection (a) of this Section is derived from 40 CFR 270.270, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

b) Information submitted to the Agency to support an application for a RCRA standardized permit. The information in subsections (b)(1) through (b)(10) of this Section will be the basis of an application for a RCRA standardized permit. The facility owner or operator must submit the following information to the Agency when it submits its Notice of Intent pursuant to 35 Ill. Adm. Code 705.301(a)(2) requesting coverage under a RCRA standardized permit:

1) The Part A information described in Section 703.181;

2) A meeting summary and other materials required by 35 Ill. Adm. Code 703.191;

3) Documentation of compliance with the location standards of 35 Ill. Adm. Code 727.110(i) and Sections 703.183(k) and 703.184;

4) This subsection (b)(4) corresponds with 40 CFR 270.275(d), which pertains to submission of information to USEPA relating to implementation of various federal laws (such as the Wild and Scenic

Rivers Act (16 USC 1273 et seq.), the National Historic Preservation Act of 1966 (16 USC 470 et seq.), the Endangered Species Act (16 USC 1531 et seq.), the Coastal Zone Management Act (16 USC 1451 et seq.), the Fish and Wildlife Coordination Act (16 USC 661 et seq.), and executive orders). The provision is not necessary in Illinois because the Agency does not implement the cited federal laws. This statement maintains structural consistency with the corresponding federal rules;

5) Solid waste management unit information required by Section 703.187;

6) A certification meeting the requirements of subsection (c) of this Section, and an audit of the facility's compliance status with 35 Ill. Adm. Code 727, as required by subsection (c) of this Section;

7) A closure plan prepared in accordance with 35 Ill. Adm. Code 727.210;

8) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;

9) If the owner or operator manages wastes generated offsite, the waste analysis plan; and

10) If the owner or operator manages waste generated from off-site, documentation showing that the waste generator and the off-site facility are under the same ownership.

BOARD NOTE: Subsection (b) of this Section is derived from 40 CFR 270.275, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

c) Certification requirements. The facility owner or operator must submit a signed certification based on an audit of its facility's compliance with 35 Ill. Adm. Code 727.

1) The owner's or operator's certification must read as follows:

I certify under penalty of law that:

1. I have personally examined and am familiar with the report containing the results of an audit conducted of my facility's compliance status with 35 Ill. Adm. Code 727, which supports this certification. Based on my inquiry of those individuals immediately responsible for conducting the audit and preparing the report, I believe that my [include

here the language of the applicable of the following two paragraphs:]

existing facility complies with all applicable requirements of 35 Ill. Adm. Code 727 and will continue to comply until the expiration of the permit;

facility has been designed, and will be constructed and operated to comply with all applicable requirements of 35 Ill. Adm. Code 727, and will continue to comply until expiration of the permit;

2. I will make all information that I am required to maintain at my facility by 35 Ill. Adm. Code 703.352 readily available for review by the permitting agency and the public; and

3. I will continue to make all information required by 35 Ill. Adm. Code 703.352 available until the permit expires. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation.

2) The owner or operator must sign the certification of subsection (c)(1) of this Section following the requirements of 35 Ill. Adm. Code 702.126(a)(1) through (a)(3).

3) The certification must be based upon an audit that the owner or operator conducted of its facility's compliance status with 35 Ill. Adm. Code 727. A written audit report, signed and certified as accurate by the auditor, must be submitted to the Agency with the 35 Ill. Adm. Code 705.301(a)(2) (Notice of Intent).

BOARD NOTE: Subsection (c) of this Section is derived from 40 CFR 270.280, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.352 Information That Must Be Kept at the Facility

a) General Types of Information to Be Maintained at the Facility. The facility owner or operator must keep the following information at its facility:

1) A general description of the facility;

2) Results of chemical and physical analyses of the hazardous waste and hazardous debris handled at the facility. At a minimum, these results of

analyses must contain all the information that the owner or operator must know to treat or store the wastes properly pursuant to 35 Ill. Adm. Code 727;

3) A copy of the waste analysis plan required by 35 Ill. Adm. Code 727.110(d)(2);

4) A description of the security procedures and equipment required by 35 Ill. Adm. Code 727.110(e);

5) A copy of the general inspection schedule required by 35 Ill. Adm. Code 727.110(f)(2). The owner or operator must include in the inspection schedule applicable requirements of 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, 724.988, 727.270(e), and 727.290(d) and (f);

6) A justification of any modification of the preparedness and prevention requirements of 35 Ill. Adm. Code 727.130(a) through (f);

7) A copy of the contingency plan required by 35 Ill. Adm. Code 727.150;

8) A description of procedures, structures, or equipment used at the facility to accomplish each of the following:

   A) Prevent hazards in unloading operations (for example, use ramps, special forklifts);

   B) Prevent run-off from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, with berms, dikes, trenches, etc.);

   C) Prevent contamination of water supplies;

   D) Mitigate effects of equipment failure and power outages;

   E) Prevent undue exposure of personnel to hazardous waste (for example, requiring protective clothing); and

   F) Prevent releases to atmosphere;

9) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required by 35 Ill. Adm. Code 727.110(h);

10) The traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes;

describe access road surfacing and load bearing capacity; show traffic control signals, etc.);

11) This subsection (a)(11) corresponds with 40 CFR 270.290(k), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

12) An outline of both the introductory and continuing training programs that the owner or operator will use to prepare employees to operate or maintain its facility safely as required by 35 Ill. Adm. Code 727.110(g). A brief description of how training will be designed to meet actual job tasks pursuant to 35 Ill. Adm. Code 727.110(g)(1)(B) requirements;

13) A copy of the closure plan required by 35 Ill. Adm. Code 727.210(c). Include, where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 727.270(g), 727.290(l), and 727.900(i);

14) This subsection (a)(14) corresponds with 40 CFR 270.290(n), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

15) The most recent closure cost estimate for the facility prepared pursuant to 35 Ill. Adm. Code 727.240(c) and a copy of the documentation required to demonstrate financial assurance pursuant to 35 Ill. Adm. Code 727.240(d). For a new facility, the owner or operator may gather the required documentation 60 days before the initial receipt of hazardous wastes;

16) This subsection (a)(16) corresponds with 40 CFR 270.290(p), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

17) Where applicable, a copy of the insurance policy or other documentation that complies with the liability requirements of 35 Ill. Adm. Code 727.240(h). For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 727.240(h)(1) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment or storage;

18) Where appropriate, proof of coverage by a State financial mechanism, as required by 35 Ill. Adm. Code 727.240(j) or 727.240(k);

19) A topographic map showing 305 meters (1,000 feet) around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). The map must show elevation contours. The contour interval must show the pattern of surface water flow near 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). If the facility is in a mountainous area, the owner or operator should use large contour intervals to adequately show topographic profiles of the facility. The map must clearly show each of the following:

A) The map scale and date;

B) Any 100-year flood plain area;

C) All surface waters including intermittent streams;

D) The surrounding land uses (residential, commercial, agricultural, recreational, etc.);

E) A wind rose (*i.e.,* prevailing windspeed and direction);

F) The orientation of the map (north arrow);

G) Legal boundaries of the facility site;

H) Facility access control (fences, gates);

I) All injection and withdrawal wells both on-site and off-site;

J) All buildings; treatment, storage, or disposal operations; and other structures (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);

K) Barriers for drainage or flood control; and

L) The location of operational units within the facility where hazardous waste is (or will be) treated or stored (including equipment cleanup areas).

BOARD NOTE: Subsection (a) is derived from 40 CFR 270.290.

b) Container Information to Be Maintained at the Facility. If the facility owner or operator stores or treats hazardous waste in containers, it must keep the following information at its facility:

1) A description of the containment system to demonstrate compliance with the container storage area provisions of 35 Ill. Adm. Code 727.270(d). This description must show the following information:

A) The basic design parameters, dimensions, and materials of construction;

B) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;

C) The capacity of the containment system relative to the number and volume of containers to be stored;

D) The provisions for preventing or managing run-on; and

E) How accumulated liquids can be analyzed and removed to prevent overflow;

2) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 727.270(d)(3), including the following:

A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

3) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 727.270(e) (location of buffer zone (15m or 50ft) and containers holding ignitable or reactive wastes) and 35 Ill. Adm. Code 727.270(f)(3) (location of incompatible wastes in relation to each other), where applicable;

4) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 727.270(f)(1) and (f)(2), and 35 Ill. Adm. Code 727.110(h)(2) and (h)(3); and

5) Information on air emission control equipment as required by Section 703.352(e).

BOARD NOTE: Subsection (b) is derived from 40 CFR 270.300.

c) Tank Information to Be Maintained at the Facility. If the facility owner or operator uses tanks to store or treat hazardous waste, it must keep the following information at its facility:

1) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer on the structural integrity and suitability for handling hazardous waste of each tank system, as required pursuant to 35 Ill. Adm. Code 727.290(b) and (c);

2) The dimensions and capacity of each tank;

3) A description of feed systems, safety cutoff, bypass systems, and pressure controls (*e.g.,* vents);

4) A diagram of piping, instrumentation, and process flow for each tank system;

5) A description of materials and equipment used to provide external corrosion protection, as required pursuant to 35 Ill. Adm. Code 727.290(b);

6) For new tank systems, a detailed description of how the tank systems will be installed in compliance with 35 Ill. Adm. Code 727.290(c) and (e);

7) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of 35 Ill. Adm. Code 727.290(f) and (g);

8) This subsection (c)(8) corresponds with 40 CFR 270.305(h), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

9) A description of controls and practices to prevent spills and overflows, as required pursuant to 35 Ill. Adm. Code 727.290(i);

10) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with 35 Ill. Adm. Code 727.290(m) and (n); and

11) Information on air emission control equipment, as required by Section 703.352(e).

BOARD NOTE: Subsection (c) is derived from 40 CFR 270.305.

d) Equipment Information to Be Maintained at the Facility. If the facility has equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the facility owner or operator must keep the following information at its facility:

1) For each piece of equipment to which Subpart BB of 35 Ill. Adm. Code 724 applies, the following:

   A) The equipment identification number and hazardous waste management unit identification;

   B) The approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

   C) The type of equipment (e.g., a pump or a pipeline valve);

   D) The percent by weight of total organics in the hazardous waste stream at the equipment;

   E) The phase of the hazardous waste at the equipment (e.g., gas or vapor or liquid); and

   F) The method of compliance with the standard (e.g., monthly leak detection and repair, or equipped with dual mechanical seals);

2) For a facility that cannot install a closed-vent system and control device to comply with Subpart BB of 35 Ill. Adm. Code 724 on the effective date that the facility becomes subject to the Subpart BB provisions, an implementation schedule as specified in 35 Ill. Adm. Code 724.933(a)(2);

3) Documentation that demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 and 724.959. This documentation must contain the records required pursuant to 35 Ill. Adm. Code 724.964; and

4) Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960, which must include the following information:

   A) A list of all information references and sources used in preparing the documentation;

   B) Records, including the dates, of each compliance test required by 35 Ill. Adm. Code 724.933(j);

   C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a) or other engineering texts acceptable to the Agency that present basic control device design information. The design analysis must address the vent stream

characteristics and control device operation parameters, as specified in 35 Ill. Adm. Code 724.935(b)(4)(iii);

D) A statement signed and dated by the facility owner or operator that certifies that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonable expected to occur; and

E) A statement signed and dated by the facility owner or operator that certifies that the control device is designed to operate at an efficiency of 95 weight percent or greater.

BOARD NOTE: Subsection (d) is derived from 40 CFR 270.310.

e) Air Emissions Control Information to Be Maintained at the Facility. If the facility owner or operator has air emission control equipment subject to Subpart CC of 35 Ill. Adm. Code 724, it must keep the following information at its facility:

1) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information that the owner or operator prepared or the cover manufacturer or vendor provided describing the cover design, and the owner's or operator's certification that the cover meets applicable design specifications listed in 35 Ill. Adm. Code 724.984(e)(1) or (f)(1);

2) Identification of each container area subject to Subpart CC of 35 Ill. Adm. Code 724 and the owner's or operator's certification that the requirements of this Subpart J are met;

3) Documentation for each enclosure used to control air pollutant emissions from tanks or containers pursuant to requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(B). The owner or operator must include records for the most recent set of calculations and measurements that it performed to verify that the enclosure meets the criteria of a permanent total enclosure as specified in appendix B to 40 CFR 52.741 (Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

4) This subsection (e)(4) corresponds with 40 CFR 270.315(d), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules;

5) Documentation for each closed-vent system and control device installed pursuant to 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.210(c) and (d); and

6) An emission monitoring plan for both Method 21 in appendix A to 40 CFR 60 (Determination of Volatile Organic Compound Leaks), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.

BOARD NOTE: Subsection (e) is derived from 40 CFR 270.315.

(Source: Amended at 43 Ill. Reg. 5777, May 2, 2019)

Section 703.353 Modifying a RCRA Standardized Permit

A facility owner or operator can modify its RCRA standardized permit by following the procedures found in 35 Ill. Adm. Code 705.304.

BOARD NOTE: Derived from 40 CFR 270.320, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 487, effective December 20, 2006)

Section 703.APPENDIX A Classification of Permit Modifications

Class			
	A.	General Permit Provisions	
1	1.	Administrative and informational changes.	
1	2.	Correction of typographical errors.	
1	3.	Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).	
	4.	Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
1		a.	To provide for more frequent monitoring, reporting, or maintenance.
2		b.	Other changes.
	5.	Schedule of compliance:	
1*		a.	Changes in interim compliance dates, with prior approval of the Agency.
3		b.	Extension of final compliance date.

1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

1* 8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility).

1* 9. Changes to remove permit conditions applicable to a unit excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

1* 10. Changes in the expiration date of a permit issued to a facility at which all units are excluded pursuant to the provisions of 35 Ill. Adm. Code 721.104.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

1 a. To conform with Agency guidance or Board regulations.

1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

2 d. Other changes.

2. Changes to analytical quality assurance or quality control plan:

1 a. To conform with agency guidance or regulations.

2 b. Other changes.

1 3. Changes in procedures for maintaining the operating record.

2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

2 a. That affect the type or decrease the amount of training given to employees.

1 b. Other changes.

6. Contingency plan:

2 a. Changes in emergency procedures (i.e., spill or release response procedures).

1 b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.

2 c. Removal of equipment from emergency equipment list.

1 d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

1 a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

2 b. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as a permit modification.

C. Groundwater Protection

1. Changes to wells:

2 a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.

1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.

1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.

1*	3.		Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
2	4.		Changes in point of compliance.
	5.		Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):
3		a.	As specified in the groundwater protection standard.
2		b.	As specified in the detection monitoring program.
2	6.		Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(h), unless otherwise specified in this Appendix.
	7.		Compliance monitoring program:
3		a.	Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.
2		b.	Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(j), unless otherwise specified in this Appendix.
	8.		Corrective action program:
3		a.	Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
2		b.	Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
D.	Closure		
	1.		Changes to the closure plan:
1*		a.	Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
1*		b.	Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.

1*		c.	Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
1*		d.	Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
2		e.	Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
2		f.	Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
3	2.		Creation of a new landfill unit as part of closure.
	3.		Addition of the following new units to be used temporarily for closure activities:
3		a.	Surface impoundments.
3		b.	Incinerators.
3		c.	Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
2		d.	Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
2		e.	Tanks or containers (other than specified in paragraph D(3)(f) below).
1*		f.	Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.
2		g.	Staging piles.
	E.	Post-Closure	
1	1.		Changes in name, address, or phone number of the contact in the post-closure plan.
2	2.		Extension of post-closure care period.
3	3.		Reduction in the post-closure care period.

1 4. Changes to the expected year of final closure, where other permit conditions are not changed.

2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:

3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).

1 c. Modification or addition of container units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numbers or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2. Modification of container units without an increased capacity or alteration of the system:

2 a. Modification of a container unit without increasing the capacity of the unit.

1 b. Addition of a roof to a container unit without alteration of the containment system.

3. Storage of different wastes in containers, except as provided in F(4):

3 a. That require additional or different management practices from those authorized in the permit.

2 b. That do not require additional or different management practices from those authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

2* a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

G. Tanks

1. Modification of a tank unit, secondary containment system, or treatment process that increases tank capacity, adds a new tank, or alters treatment, specified as follows:

3 a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d), and G(1)(e).

2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards, with prior approval of the Agency. This modification may also involve the addition of new USEPA hazardous waste numbers. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).

2	2.	Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
1	3.	Replacement of a tank with a tank that meets the same design standards and has a capacity within ±10 percent of the replaced tank provided:
	a.	The capacity difference is no more than 1,500 gallons (5,680 ℓ),
	b.	The facility's permitted tank capacity is not increased, and
	c.	The replacement tank meets the same conditions in the permit.
2	4.	Modification of a tank management practice.
	5.	Management of different wastes in tanks:
3	a.	That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
2	b.	That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d). Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
1*	c.	That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1	d.	That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028). Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

3	1.		Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
3	2.		Replacement of a surface impoundment unit.
2	3.		Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
2	4.		Modification of a surface impoundment management practice.
	5.		Treatment, storage, or disposal of different wastes in surface impoundments:
3		a.	That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
2		b.	That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit. Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
1		c.	That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1		d.	That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1*	6.		Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).
	7.		Changes in response action plan:

3 a. Increase in action leakage rate.

3 b. Change in a specific response reducing its frequency or effectiveness.

2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

3 a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.

2 b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.

2 2. Modification of waste pile unit without increasing the capacity of the unit.

1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

2 4. Modification of a waste pile management practice.

5. Storage or treatment of different wastes in waste piles:

3 a. That require additional or different management practices or different design of the unit.

2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

3	1.		Modification or addition of landfill units that result in increasing the facility's disposal capacity.
3	2.		Replacement of a landfill.
3	3.		Addition or modification of a liner, leachate collection system, leachate detection system, run-off control, or final cover system.
2	4.		Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system.
2	5.		Modification of a landfill management practice.
	6.		Landfill different wastes:
3		a.	That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.
2		b.	That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system. Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
1		c.	That are wastes restricted from land disposal that meet the applicable treatment standards. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1		d.	That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2) (Procedures for Case-by-Case Extensions to an Effective Date), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).
1*	7.		Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

3 a. Increase in action leakage rate.

3 b. Change in a specific response reducing its frequency or effectiveness.

2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.

2 2. Modification of run-on control system.

3 3. Modify run-off control system.

2 4. Other modification of land treatment unit component specifications or standards required in permit.

5. Management of different wastes in land treatment units:

3 a. That require a change in permit operating conditions or unit design specifications.

2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

3 a. Increase rate or change method of waste application.

1 b. Decrease rate of waste application.

2 7. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.

3	8.	Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
3	9.	Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
3	10.	Changes in the unsaturated zone monitoring system that result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
2	11.	Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
2	12.	Changes in background values for hazardous constituents in soil and soil-pore liquid.
2	13.	Changes in sampling, analysis, or statistical procedure.
2	14.	Changes in land treatment demonstration program prior to or during the demonstration.
1*	15.	Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
1*	16.	Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
3	17.	Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
2	18.	Changes in vegetative cover requirements for closure.

L. Incinerators, Boilers and Industrial Furnaces

3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl_2, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5. Operating requirements:

3 a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency must require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3		b.	Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
2		c.	Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
	6.	Burning different wastes:	
3		a.	If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency must require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
2		b.	If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit. Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
	7.	Shakedown and trial burn:	
2		a.	Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
1*		b.	Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.
1*		c.	Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.
1*		d.	Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1 8. Substitution of an alternative type of non-hazardous waste fuel that is not specified in the permit.

1* 9. Technology changes needed to meet standards under federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(j) are followed.

1* 10. Changes to RCRA Permit provisions needed to support transition to federal subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), provided the procedures of Section 703.280(k) are followed.

M. Containment Buildings

1. Modification or addition of containment building units:

3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.

2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.

3. Replacement of a containment building with a containment building that meets the same design standards provided:

1 a. The unit capacity is not increased.

1 b. The replacement containment building meets the same conditions in the permit.

2 4. Modification of a containment building management practice.

5. Storage or treatment of different wastes in containment buildings:

3 a. That require additional or different management practices.

2 b. That do not require additional or different management practices.

N. Corrective Action

3	1.	Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
2	2.	Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
2	3.	Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from appendix I to 40 CFR 270.42.

(Source: Amended at 43 Ill. Reg. 5777, May 2, 2019)

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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AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4 and 27].

SOURCE: Adopted in R81-32 at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective June 27, 1995; amended in R03-7 at 27 Ill. Reg. 3675, effective February 14, 2003; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 706, effective December 20, 2006; amended in R11-14 at 36 Ill. Reg. 1653, effective January 20, 2012; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21179, effective November 19, 2018; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9712, effective June 20, 2024.

SUBPART A: GENERAL PROVISIONS

Section 705.101 Scope and Applicability

a) This Part sets forth procedures that the Illinois Environmental Protection Agency (Agency) must follow in issuing RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) permits. This Part also specifies rules on effective dates of permits and stays of contested permit conditions.

b) This Part provides for a public comment period and a hearing in some cases. The permit applicant and any other participants must raise issues during this proceeding to preserve issues for effective Board review, as required by Section 705.183.

c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record that was before the Agency when the permit was issued, as required by Sections 40(a) and 40(b) of the Environmental Protection Act.

d) The provisions of 35 Ill. Adm. Code 702, 703, and 704 contain rules on UIC and RCRA permit applications, permit conditions, and related matters.

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.102 Definitions

The definitions in 35 Ill. Adm. Code 702 apply to this Part.

BOARD NOTE: Derived from 40 CFR 124.2 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.103 Computation of Time

Any time period allowance schedule or requirement provided under this Part must be computed in accordance with 35 Ill. Adm. Code 101.300.

BOARD NOTE: This Section corresponds with 40 CFR 124.20 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.104 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3 and 145.11(a)(33), as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 706, effective December 20, 2006)

SUBPART B: PERMIT APPLICATIONS

Section 705.121 Permit Application

a) Any person who requires a permit under the RCRA (Resource Conservation and Recovery Act) or UIC (Underground Injection Control) program must complete, sign, and submit to the Agency an application for each permit required under 35 Ill. Adm. Code 703.121 or 35 Ill. Adm. Code 704.101 through 704.105, as appropriate. An application will not be required for a RCRA permit by rule under 35 Ill. Adm. Code 703.141. An application will not be required for underground injection authorized by rule under Subpart C of 35 Ill. Adm. Code 704.

b) The Agency must not begin the processing of a permit until the applicant has fully complied with the application requirements applicable to that type of permit.

c) Permit applications must comply with the signature and certification requirements of 35 Ill. Adm. Code 702.126.

BOARD NOTE: Derived from 40 CFR 124.3(a) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.122 Completeness

a) The Agency must review every application for a RCRA or UIC permit for completeness.

b) Time limitations on Agency review for application completeness:

1) Each application for a permit submitted by a new HWM (hazardous waste management) facility or new UIC injection well must be reviewed for completeness within 30 days of its receipt.

2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well must be reviewed for completeness within 60 days of receipt.

c) Upon completing its review for completeness, the Agency must notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency must list the information necessary to make the application complete.

d) When the application is for an existing HWM (Hazardous Waste Management) facility or an existing UIC injection well, the Agency must also specify in the notice of deficiency a date for submitting the necessary information.

e) The Agency shall, within the time limitations specified in subsection (b), notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.

f) After the application is deemed complete, the Agency may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

BOARD NOTE: Derived from 40 CFR 124.3(c) (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.123 Incomplete Applications

If an applicant fails or refuses to correct Agency-noted deficiencies in its permit application, the Agency may either deny or issue the permit on the basis of the information available to the Agency; if warranted, appropriate enforcement actions may be taken.

BOARD NOTE: Derived from 40 CFR 124.3(d) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.124 Site Visit

If the Agency decides, pursuant to Section 4(d) of the Act, that a site visit is necessary for any reason in conjunction with the processing of an application, the Agency must notify the applicant, and the Agency and the applicant must schedule a site visit.

BOARD NOTE: Derived from 40 CFR 124.3(e) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.125 Effective Date

The effective date of a permit application is the date on which the Agency notifies the applicant that the application is complete, as provided in Section 705.122.

BOARD NOTE: Derived from 40 CFR 124.3(f) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.126 Decision Schedule

For each permit application from a major new HWM facility or major new UIC injection well, the Agency must, no later than the effective date of the application, prepare and mail to the applicant a projected decision schedule. The schedule must specify target dates by which the Agency intends to do the following:

a) Prepare a draft permit pursuant to Subpart C;

b) Give public notice pursuant to Subpart D;

c) Complete the public comment period, including any public hearing pursuant to Subpart E; and

d) Issue a final permit pursuant to Subpart F.

BOARD NOTE: Derived from 40 CFR 124.3(g) (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.127 Consolidation of Permit Processing

Whenever a facility or activity requires more than one permit under more than one Part of the Board's rules and regulations, processing of two or more applications for those permits the Agency may, in its discretion and consistent the individual requirements for each permit, consolidate the processing of those permit applications in accordance with Agency procedures.

BOARD NOTE: Derived from 40 CFR 124.4 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.128 Modification or Reissuance of Permits

a) The Agency may modify or reissue a permit either at the request of any interested person (including the permittee) or on its own initiative. However, the Agency may only modify or reissue a permit for the reasons specified in 35 Ill. Adm. Code 704.261 through 704.263 (UIC) or 35 Ill. Adm. Code 703.270 through 703.273 (RCRA). A request for permit modification or reissuance must be made in writing, must be addressed to the Agency (Division of Land Pollution Control), and must contain facts or reasons supporting the request.

b) If the Agency determines that a request for modification or reissuance is not justified, it must send the requester a brief written response giving a reason for the determination. A denial of a request for modification or reissuance is not subject to public notice, comment, or public hearing requirements. The requester may appeal a denial of a request to modify or reissue a permit to the Board pursuant to 35 Ill. Adm. Code 105.

c) Agency Modification or Reissuance Procedures

1) If the Agency tentatively decides to initiate steps to modify or reissue a permit pursuant to this Section and 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273 (other than 35 Ill. Adm. Code 703.272(c)), after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received, it must prepare a draft permit pursuant to Section 705.141 incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, other than those reissued under 35 Ill. Adm. Code 703.272(c), the Agency must require the submission of a new application. For permits reissued under 35 Ill. Adm. Code 703.272(c), the Agency and the permittee must comply with the appropriate requirements in Subpart G of 35 Ill. Adm. Code 705.

2) In a permit modification proceeding pursuant to this Section, only those conditions to be modified must be reopened when a new draft permit is prepared. When a permit is to be reissued pursuant to this Section, the entire permit is reopened just as if it had expired. During any reissuance proceeding, including any appeal to the Board, the permittee must comply with all conditions of its existing permit until a new final permit is reissued.

3) "Minor modifications", as defined in 35 Ill. Adm. Code 704.264, and "Class 1 and 2 modifications", as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to this Section.

d) To the extent that the Agency has authority to reissue a permit, it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141 if it decides to do so.

e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and the procedure of 35 Ill. Adm. Code 103. Revocation may only be sought for those reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

BOARD NOTE: Derived from 40 CFR 124.5 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

SUBPART C: APPLICATION REVIEW

Section 705.141 Draft Permits

a) Once an application for permit is complete, the Agency must tentatively decide whether to prepare a draft permit or to deny the application.

b) If the Agency tentatively decides to deny the permit application, it must issue a notice of intent to deny. A notice of intent to deny must be subject to all of the procedural requirements applicable to draft permits under subsection (d). If the Agency's final decision made pursuant to Section 705.201 is that the tentative decision to deny the permit application was incorrect, it must withdraw the notice of intent to deny and proceed to prepare a draft permit under subsection (c).

c) If the Agency decides to prepare a draft permit, it must prepare a draft permit that contains the following information:

1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;

2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;

3) All monitoring requirements under 35 Ill. Adm. Code 702.164; and

4) The following program-specific permit conditions:

A) For RCRA permits, standards for treatment, storage, or disposal and other permit conditions under Subpart F of 35 Ill. Adm. Code 703;

B) For UIC permits, permit conditions under Subpart E of 35 Ill. Adm. Code 704.

d) A draft permit or a notice of intent to deny prepared under this Section must be accompanied by a statement of basis, under Section 705.142, or a fact sheet, under Section 705.143, must be based on the administrative record pursuant to Section 705.144, must be publicly noticed pursuant to Subpart D, and must be made available for public comment pursuant to Section 705.181. The Agency must give

notice of opportunity for a public hearing pursuant to Section 705.182, issue a final decision pursuant to Section 705.201, and respond to comments pursuant to Section 705.210. An appeal may be taken under Section 705.212.

BOARD NOTE: Derived from 40 CFR 124.6 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.142 Statement of Basis

The Agency must prepare a statement of basis for every draft permit or notice of intent to deny for which a fact sheet under Section 705.143 is not prepared. The statement of basis must briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny, reasons supporting the tentative decision. The statement of basis must be sent to the applicant and to any other person who requests it.

BOARD NOTE: Derived from 40 CFR 124.7 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.143 Fact Sheet

a) A fact sheet must 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 that the Agency finds is the subject of widespread public interest or raises major issues. The fact sheet must briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The Agency must send this fact sheet to the applicant and, on request, to any other person.

b) The fact sheet must include the following, when applicable:

1) A brief description of the type of facility or activity that is the subject of the draft permit;

2) The type and quantity of wastes, fluids or pollutants that 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 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 the following:

A) The beginning and ending dates of the comment period pursuant to 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) The name and telephone number of a person to contact for additional information.

BOARD NOTE: Derived from 40 CFR 124.8 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

a) The provisions of a draft permit or notice of intent to deny the application must be based on the administrative record, as defined in this Section.

b) The administrative record must consist of the following:

1) The application and any supporting data furnished by the applicant;

2) The draft permit or notice of intent to deny the application;

3) The statement of basis, as provided in Section 705.142, or fact sheet, as provided in Section 705.143;

4) All documents cited in the statement of basis or fact sheet;

5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and

6) An index of all documents or items included in the record, by location in the record.

c) Published material that is generally available, and which is included in the administrative record under subsection (b), need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the fact sheet.

d) This Section applies to all draft permits or notices of intent to deny.

BOARD NOTE: Derived from 40 CFR 124.9 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

SUBPART D: PUBLIC NOTICE

Section 705.161 When Public Notice Must Be Given

a) The Agency must give public notice whenever any of the following actions have occurred:

1) A permit application has been tentatively denied under Section 705.141(b);

2) A draft permit has been prepared under Section 705.141(c); and

3) A hearing has been scheduled under Section 705.182.

b) No public notice is required when a request for permit modification or reissuance is denied under Section 705.128(b). Written notice of any such denial must be given to the requester and to the permittee.

c) A public notice may describe more than one permit or permit action.

BOARD NOTE: Derived from 40 CFR 124.10(a) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.162 Timing of Public Notice

a) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under Section 705.161 must allow time for public comment, as follows:

1) For UIC permits, at least 30 days; or

2) For RCRA permits, at least 45 days.

b) Public notice of a public hearing must be given at least 30 days in advance of the hearing.

c) Public notice of a hearing may be given at the same time as public notice of the draft permit, and the two notices may be combined.

BOARD NOTE: Derived from 40 CFR 124.10(b) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.163 Methods of Public Notice

Public notice of activities described in Section 705.161(a) must be given by the following methods:

a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

1) The applicant.

2) Any other agency or entity that the Agency knows is required by State or federal law to review or approve issuance of a RCRA or UIC permit for the same facility or activity (including USEPA, other Federal and State agencies with jurisdiction over waterways, wildlife or other natural resources, and other appropriate government authorities, including other affected States and units of local government).

3) Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources and over coastal zone management plans, the Advisory Council on Historical Preservation, State Historic Preservation Officers, and other appropriate government authorities, including any affected States.

4) Persons on a mailing list developed by doing as follows:

A) Including those who request in writing to be on the list;

B) Including participants in past permit proceedings in that area; and

C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in governmental publications.

D) The Agency may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Agency may delete from the list the name of any person who fails to respond to such a request.

5) For RCRA permits only to the following entities:

A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

B) To each State agency having any authority under State law with respect to the construction or operation of such facility.

6) For Class I injection well UIC permits only, to the Illinois Department of Natural Resources, Office of Mines and Minerals.

7) For a Class VI injection well, mailing or e-mailing a notice to the Illinois Department of Natural Resources, Office of Mines and Minerals, Division of Gas and Oil and to the Agency, Divisions of Public Water Supply and Land Pollution Control.

8) Any other person or entity that the Agency has reason to believe would be particularly interested in or affected by the proposed action.

b) Publication of notice must be made as follows:

1) For major UIC permits, publication of a notice in a daily or weekly newspaper of general circulation within the area affected by the facility or activity.

2) For RCRA permits, publication of a notice in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

c) Any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it.

BOARD NOTE: Derived from 40 CFR 124.10(c) (2011).

(Source: Amended at 36 Ill. Reg. 1653, January 20, 2012)

Section 705.164 Contents of Public Notice

a) All public notices issued under this Part must contain the following minimum information:

1) The name and address of the Agency;

2) The name and address of the permittee or permit applicant and, if different, the name and address of the facility or activity regulated by the permit;

3) A brief description of the business conducted at the facility or the activity described in the permit application or the draft permit;

4) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit;

a copy of the statement of basis or fact sheet; and a copy of the permit application;

5) A brief description of the comment procedures required by Sections 705.181 and 705.182; the time and place of any hearing that will be held, including a statement of the procedures to request a hearing (unless a hearing has already been scheduled); and the other procedures by which the public may participate in the final permit decision;

6) The location of the administrative record required by Section 705.144, the time at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record; and

7) Any additional information that the Agency considers necessary or appropriate.

b) Public Notices for Hearings. In addition to the general public notice described in subsection (a), the public notice of a hearing under Section 705.182 must contain the following information:

1) Reference to the date of previous public notices relating to the permit;

2) The date, time, and place of the hearing; and

3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.10(d) (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.165 Distribution of Other Materials

In addition to the general public notice described in Section 705.164(a), all persons identified in Section 705.163(a) must be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).

BOARD NOTE: Derived from 40 CFR 124.10(e) (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

SUBPART E: PUBLIC COMMENT

Section 705.181 Public Comments and Requests for Public Hearings

During the public comment period provided under Subpart D, any interested person may submit written comments on the draft permit to the Agency, and any interested person may request a public hearing. A request for a public hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. The Agency must consider all comments in making the final decision and must answer, as provided in Section 705.210.

BOARD NOTE: Derived from 40 CFR 124.11 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.182 Public Hearings

a) When the Agency Holds Public Hearings

1) The Agency must hold a public hearing whenever it finds a significant degree of public interest in a draft permit on the basis of requests.

2) The Agency may also hold a public hearing at its discretion, whenever such a hearing might clarify one or more issues involved in the permit decision.

3) For RCRA permits only the following additional requirements apply:

A) The Agency must hold a public hearing whenever it receives written notice of opposition to a draft permit and a request for a hearing within 45 days of public notice under Section 705.162(a);

B) Whenever possible, the Agency must schedule the hearing at a location convenient to the population center nearest to the proposed facility.

4) Public notice of the hearing must be given as specified in Section 705.162.

b) Whenever a public hearing will be held, the Agency must designate a hearing officer who must be responsible for its scheduling and orderly conduct. Conduct of the hearing must be in accordance with Agency rules and procedures, and the hearing must be held in the county in which the HWM or UIC facility or proposed HWM or UIC facility is located.

c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set by the hearing officer on the time allowed at hearing for oral statements, and the submission of statements in writing may be required. Written statements must be accepted until the close of the public comment period. The public comment period under Subpart D must automatically be extended to a date not later than 30 days after the close of any public hearing under this Section. The hearing officer may also extend the comment period by entering an appropriate order into the record.

d) A tape recording or written transcript of the hearing must be made available to the public for inspection during regular business hours at the Agency's office in Springfield. Copies of such recording or transcription must be made available on request, upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.

BOARD NOTE: Derived from 40 CFR 124.12 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.183 Obligation to Raise Issues and Provide Information

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under Subpart D. All supporting materials must be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or they consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters must make supporting material not already included in the administrative record available to the Agency, as directed by the Agency. The Agency must extend the public comment period by an appropriate time if a commenter demonstrates that the additional time is necessary to submit supporting materials under this Section.

BOARD NOTE: Derived from 40 CFR 124.13 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.184 Reopening of Public Comment Period

a) The Agency may reopen the public comment period under this Section if doing so could expedite the decisionmaking process.

1) If the public comment period is reopened under this subsection (a), any person, including the applicant, who believes any condition of a draft permit is inappropriate or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, before a date, not less than 60 days after public notice given under subsection (a)(2), set by the Agency. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material (as set forth in the preceding sentence), set by the Agency.

2) Public notice of any comment period under this subsection (a) must identify the issues to which the requirements of this subsection (a) will apply.

3) On its own motion or on the request of any person, the Agency may direct that the requirements of subsection (a)(1) will apply during the initial public comment period where the Agency determines that issuance of the permit will be contested and that applying the requirements of subsection (a)(1) will substantially expedite the decisionmaking process. The notice of the draft permit must state whenever this has been done.

4) A comment period of longer than 60 days may be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this Section. A commenter may request a longer comment period, and one must be granted under Subpart D to the extent that the Agency determines that a longer comment period is necessary.

b) If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may undertake one or more of the following actions:

1) It may prepare a new draft permit, appropriately modified, under Section 705.141;

2) It may prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under subsection (b)(3);

3) It may reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

c) Comments filed during the reopened comment period must be limited to the substantial new questions that caused its reopening. The public notice under Subpart D must define the scope of the reopening.

d) After an extended comment period, the Agency may undertake final action under Section 705.201 that it deems appropriate based on the record.

e) Public notice of any of the above actions must be issued under Subpart D.

BOARD NOTE: Derived from 40 CFR 124.14 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

SUBPART F: PERMIT ISSUANCE

Section 705.201 Final Permit Decision

a) After the close of the public comment period under Subpart D or Section 705.182, the Agency must issue a final permit decision.

b) A final permit decision must consist of either of the following:

1) A letter of denial that includes each of the following:

A) The Sections of the appropriate Act that may be violated if the permit were granted;

B) The provisions of Board regulations that may be violated if the permit were granted;

C) The specific type of information, if any, that the Agency deems the applicant did not provide with its application; and

D) A statement of specific reasons why the Act and the regulations might not be met if the permit were granted; or

2) Issuance of a permit.

c) On the date of the final permit decision, the Agency must notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice must include reference to the procedures for appealing an Agency RCRA or UIC permit decision under Section 705.212.

d) A final permit must become effective 35 days after the final permit decision made under subsection (a), unless:

1) A later effective date is specified in the permit; or

2) Review is requested under Section 705.212, in which case the effective date and conditions will be stayed as provided in Sections 705.202 through 705.205.

BOARD NOTE: This Section corresponds with and is partially derived from 40 CFR 124.15 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.202 Stay of Permit Conditions upon Appeal

An appeal pursuant to Section 705.212 has the following effect on permit conditions:

a) If a timely application was filed for renewal of an existing permit, the existing permit and all its conditions continue to apply during the pendency of the appeal of the renewal permit application, unless the Board orders otherwise.

b) If an application was filed for renewal of an existing permit after the expiration date of the existing permit, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal, and the facility is without a permit during that time, unless the Board orders otherwise.

c) If an application was filed for a permit for a new facility, the effect of the new permit and all its conditions are stayed pending the outcome of the appeal.

d) Contested permit conditions and all permit conditions that are not separable from contested permit conditions are stayed during the pendency of the appeal. The Board may issue an order that identifies the conditions in a permit that are inseparable from contested permit conditions. Where the Board has issued an order that stays some but not all the conditions of a new permit during the pendency of an appeal, compliance is required with those conditions of the existing permit that correspond with the stayed conditions of the new permit, unless compliance with the existing conditions is technologically incompatible with the conditions of the new permit that are not stayed.

BOARD NOTE: Derived from 40 CFR 124.16 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.203 Stay for New Application or upon Untimely Application for Renewal (Repealed)

(Source: Repealed at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.204 Stay upon Reapplication or for Modification (Repealed)

(Source: Repealed at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.205 Stay Following Interim Status (Repealed)

(Source: Repealed at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.210 Agency Response to Comments

a) At the time that any final permit decision is issued under Section 705.201, the Agency must issue a response to comments. This response must do the following:

1) It must specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

2) It must briefly describe and respond to all significant comments on the draft permit raised during the public comment period.

b) Any documents cited in the response to comments must be included in the administrative record for the final permit decision as defined in Section 705.211. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.

c) The response to comments must be available to the public in accordance with Agency rules and procedures for access to Agency records.

BOARD NOTE: Derived in part from 40 CFR 124.17 (2002).

(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.211 Administrative Record for Final Permits or Letters of Denial

a) The Agency must base final permit decisions under Section 705.201 on the administrative record defined in this Section.

b) The administrative record for any final permit or letter of denial must consist of the administrative record for the draft permit together with the following:

1) All comments received during the public comment period provided under Subpart D (including any extension or reopening under Section 705.184);

2) The tape or transcript of any hearing held under Section 705.182;

3) Any written materials submitted at such a hearing;

4) The response to comments required by Section 705.210 and any new material placed in the record under that Section;

5) Other documents contained in the supporting file for the permit; and

6) The final permit or letter of denial.

c) The additional documents required under subsection (b) should be added to the record as soon as possible after their receipt or publication by the Agency. The record must be completed on the date that the final permit or letter of denial is issued.

d) This Section applies to all final RCRA permits, UIC permits, and letters of denial, when the draft permit was subject to the administrative record requirements of Section 705.144.

BOARD NOTE: Derived from 40 CFR 124.18 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.212 Appeal of Agency Permit Determinations

a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the following persons may petition the Board to review any condition of the permit decision:

1) The permit applicant; and

2) Any person who filed comments on the draft permit or who participated in the public hearing on the draft permit.

b) Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.

c) A petition for review must include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this Part; in all other respects, the petition must comport with the requirements for permit appeals generally, as provided in 35 Ill. Adm. Code 105.

d) Except as otherwise provided in this Part, 35 Ill. Adm. Code 105 generally will govern appeals of RCRA and UIC permits under this Section. References in the procedural rules to the Agency permit application record will mean, for purposes of this Section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

e) An appeal under subsection (a) or (b) is a prerequisite to the seeking of judicial review of the final agency action under the administrative review provisions of Article III of the Code of Civil Procedure.

BOARD NOTE: This Section corresponds with 40 CFR 124.19(a).

(Source: Amended at 48 Ill. Reg. 9712, effective June 20, 2024)

SUBPART G: PROCEDURE FOR RCRA STANDARDIZED PERMIT

Section 705.300 General Information About RCRA Standardized Permits

a) RCRA Standardized Permit. A RCRA standardized permit is a special form of RCRA permit that may consist of two parts: a uniform portion that the Agency issues in all cases, and a supplemental portion that the Agency issues on a case-by-case basis at its discretion. The term "RCRA standardized permit" is defined in 35 Ill. Adm. Code 702.110.

1) The Uniform Portion. The uniform portion of a RCRA standardized permit consists of terms and conditions, relevant to the units operated at a facility, that appear in 35 Ill. Adm. Code 727 (Standards for Owners and Operators of Hazardous Waste Facilities Operating under a RCRA Standardized Permit). If an owner or operator intends to operate under the RCRA standardized permit, it must comply with the nationally applicable terms and conditions of 35 Ill. Adm. Code 727.

2) The Supplemental Portion. The supplemental portion of a RCRA standardized permit consists of site-specific terms and conditions, beyond those of the uniform portion, that the Agency may impose on a particular facility, as necessary to adequately protect human health and the environment. If the Agency issues a supplemental portion, the owner or operator must comply with the Agency-imposed site-specific terms and conditions.

A) When required pursuant to 35 Ill. Adm. Code 727.190(l), provisions to implement corrective action must be included in the supplemental portion.

B) Unless otherwise specified, the supplemental permit terms and conditions apply to a facility in addition to the terms and conditions of the uniform portion of the RCRA standardized permit and not in place of any of those terms and conditions.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.200 (2017).

b) Eligibility for a RCRA Standardized Permit

1) A facility owner or operator may be eligible for a RCRA standardized permit if it engages in either of the following:

A) It generates hazardous waste and then stores or non-thermally treats the hazardous waste on-site in containers, tanks, or containment buildings; or

B) It receives hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and then it stores or non-thermally treats the hazardous waste in containers, tanks, or containment buildings.

C) In either case, the Agency must inform the owner or operator of its eligibility when a decision is made on its permit.

2) This subsection (b)(2) corresponds with 40 CFR 124.201(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal rule.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.201 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.301 Applying for a RCRA Standardized Permit

a) Applying for a RCRA standardized permit.

1) A facility owner or operator must follow the requirements in this Subpart, as well as those in 35 Ill. Adm. Code 703.191 and Subparts B and J of 35 Ill. Adm. Code 703.

2) The owner or operator must submit to the Agency a written Notice of Intent to operate under the RCRA standardized permit. The owner or operator must also include the information and certifications required pursuant to Subpart J of 35 Ill. Adm. Code 703.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.202, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

b) Switching from an individual RCRA permit to a RCRA standardized permit. Where all units in the RCRA permit are eligible for a RCRA standardized permit, the owner or operator may request that the Agency reissue its individual permit as a RCRA standardized permit. Where only some of the units in the RCRA permit are eligible for the RCRA standardized permit, the owner or operator may request that the Agency modify its individual permit to no longer include those units and issue a RCRA standardized permit for those units. The Agency must modify or reissue any permit in accordance with 35 Ill. Adm. Code 705.128. The Agency must issue any RCRA standardized permit (or reissue a RCRA permit as a RCRA standardized permit) in accordance with Section 705.302(a).

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.203, as added at 70 Fed. Reg. 53420 (Sep. 8, 2005).

(Source: Added at 31 Ill. Reg. 706, effective December 20, 2006)

Section 705.302 Issuance of a RCRA Standardized Permit

a) Agency Preparation of a Draft RCRA Standardized Permit

1) The Agency must review the Notice of Intent and supporting information submitted by the facility owner or operator.

2) The Agency must determine whether the facility is or is not eligible to operate under the RCRA standardized permit.

A) If the facility is eligible for the RCRA standardized permit, the Agency must propose terms and conditions, if any, to include in a supplemental portion. If the Agency determines that these terms and conditions are necessary to adequately protect human health and the environment, and the terms and conditions cannot be imposed, the Agency must tentatively deny coverage under the RCRA standardized permit.

B) If the facility is not eligible for the RCRA standardized permit, the Agency must tentatively deny coverage under the RCRA standardized permit. Cause for ineligibility may include, but is not limited to, the following:

i) A failure of owner or operator to submit all the information required pursuant to 35 Ill. Adm. Code 703.351(b).

ii) Information submitted that is required pursuant to 35 Ill. Adm. Code 703.351(b) that is determined to be inadequate.

iii) The facility does not meet the eligibility requirements (its activities are outside the scope of the RCRA standardized permit).

iv) A demonstrated history of significant non-compliance with applicable requirements.

v) Permit conditions cannot ensure adequate protection of human health and the environment.

3) The Agency must prepare its draft permit decision within 120 days after receiving the Notice of Intent and supporting documents from a facility owner or operator. The Agency's tentative determination pursuant to this Section to deny or grant coverage under the RCRA standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency must inform the permit applicant during the initial 120-day review period. Reasons for an

extension may include, but are not limited to, needing to complete review of submissions with the Notice of Intent (*e.g.*, closure plans, waste analysis plans, etc. for facilities seeking to manage hazardous waste generated off-site).

4) Many requirements in this Part and 35 Ill. Adm. Code 702 apply to processing the RCRA standardized permit application and preparing the Agency's draft permit decision. For example, the Agency's draft permit decision must be accompanied by a statement of basis or fact sheet and must be based on the administrative record. In preparing the Agency's draft permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):

A) Section 705.101 (Scope and Applicability): all subsections apply.

B) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.

C) Sections 705.121 (Permit Application) and 705.124 (Site Visit): all subsections apply.

D) Section 705.127 (Consolidation of Permit Processing): applies.

E) Section 705.128 (Modification or Reissuance of Permits): does not apply.

F) Section 705.141 (Draft Permits): does not apply to the RCRA standardized permit; procedures in this Subpart G apply instead.

G) Section 705.142 (Statement of Basis): applies.

H) Section 705.143 (Fact Sheet): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D.

I) Section 705.144 (Administrative Record for Draft Permits or Notices of Intent to Deny): all subsections apply.

J) Subpart D (Public Notice): only Section 705.163(a)(4) and (a)(5)(A) applies to the RCRA standardized permit. Most of Subpart D does not apply to the RCRA standardized permit; Section 705.303(a) through (c) applies instead.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.204 (2017).

b) Preparation of a Final RCRA Standardized Permit. The Agency must consider all comments received during the public comment period (see Section 705.303(b)) in

making its final permit decision. In addition, many requirements in this Part and 35 Ill. Adm. Code 702 apply to the public comment period, public hearings, and preparation of the Agency's final permit decision. In preparing a final permit decision, the following provisions of this Part and 35 Ill. Adm. Code 702 apply (subject to the following modifications):

1) Section 705.101 (Scope and Applicability): all subsections apply.

2) 35 Ill. Adm. Code 702.110 (Definitions): all definitions apply.

3) Section 705.181 (Public Comments and Requests for Public Hearings): Section 705.181 does not apply to the RCRA standardized permit; the procedures in Section 705.303(b) apply instead.

4) Section 705.182 (Public Hearings): Section 705.182(b), (c), and (d) applies.

5) Section 705.183 (Obligation to Raise Issues and Provide Information): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D.

6) Section 705.184 (Reopening of the Public Comment Period): all of subsections apply; however, in the context of the RCRA standardized permit, the reference in Section 705.184(b)(1) to preparation of a draft permit is Section 705.302(a) instead of Section 705.141; the reference in Section 705.184(b)(3) to reopening or extending the comment period relates to Section 705.303(b); the reference in Section 705.184(c) to the public notice is Section 705.303(a) instead of Subpart D.

7) Section 705.201 (Final Permit Decision): all subsections apply; however, in the context of the RCRA standardized permit, the reference to the public comment period is Section 705.303(b) instead of Subpart D.

8) Section 705.202 (Stay of Permit Conditions upon Appeal): all subsections apply.

9) Section 705.210 (Agency Response to Comments): Section 705.210 does not apply to the RCRA standardized permit; procedures in Section 705.303(c) apply instead.

10) Section 705.211 (Administrative Record for Final Permit or Letters of Denial): all subsections apply, however, the reference to response to comments is Section 705.303(c) instead of Section 705.210.

11) Section 705.212 (Appeal of Agency Permit Determinations): all subsections apply.

12) Section 705.103 (Computation of Time): all subsections apply.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.205 (2017).

c) When a facility owner or operator must apply for an individual permit.

1) Instances in which the Agency may determine that a facility is not eligible for the RCRA standardized permit include, but are not limited to, the following:

A) The facility does not meet the criteria in Section 705.300(b).

B) The facility has a demonstrated history of significant non-compliance with regulations or permit conditions.

C) The facility has a demonstrated history of submitting incomplete or deficient permit application information.

D) The facility has submitted incomplete or inadequate materials with the Notice of Intent (submitted pursuant to Section 705.301(a)(2)).

2) If the Agency determines that a facility is not eligible for the RCRA standardized permit, the Agency must inform the facility owner or operator that it must apply for an individual permit.

3) The Agency may require any facility that has a RCRA standardized permit to apply for and obtain an individual RCRA permit. Any interested person may petition the Agency to take action pursuant to this subsection (c)(3). Instances in which the Agency may require an individual RCRA permit include, but are not limited to, the following:

A) The facility is not in compliance with the terms and conditions of the standardized RCRA permit.

B) Circumstances have changed since the time the facility owner or operator applied for the RCRA standardized permit, so that the facility's hazardous waste management practices are no longer appropriately controlled under the RCRA standardized permit.

4) The Agency may require any facility authorized by a RCRA standardized permit to apply for an individual RCRA permit only if the Agency has notified the facility owner or operator in writing that an individual permit application is required. The Agency must include in this notice a brief

statement of the reasons for its decision, a statement setting a deadline for the owner or operator to file the application, and a statement that, on the effective date of the individual RCRA permit, the facility's RCRA standardized permit automatically terminates. The Agency may grant additional time upon request from the facility owner or operator.

5) When the Agency issues an individual RCRA permit to an owner or operator otherwise subject to a standardized RCRA permit, the RCRA standardized permit for that facility will automatically cease to apply on the effective date of the individual permit.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.206 (2017). An owner or operator authorized to operate under a RCRA standardized permit that is required by the Agency to submit an application for an individual permit pursuant to this subsection (c) may appeal that Agency determination before the Board pursuant to Section 40 of the Act and 35 Ill. Adm. Code 101 and 105.

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.303 Public Participation in the RCRA Standardized Permit Process

a) Requirements for Public Notices

1) The Agency must provide public notice of its draft permit decision and must provide an opportunity for the public to submit comments and request a hearing on that decision. The Agency must provide the public notice to the following persons:

A) The applicant;

B) Any other agency that the Agency knows has issued or is required to issue a RCRA permit for the same facility or activity (including USEPA when the draft permit is prepared by the State);

C) Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, Illinois Historic Preservation Agency, including any affected states;

D) Everyone on the facility mailing list developed according to the requirements in Section 705.163(a)(4); and

E) Any units of local government having jurisdiction over the area where the facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of the facility.

2) The Agency must issue the public notice according to the following methods:

A) Publication in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations;

B) In a manner constituting legal notice to the public under State law; and

C) Any other method reasonably calculated to give actual notice of the draft permit decision to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

3) The Agency must include the following information in the public notice:

A) The name and telephone number of the contact person at the facility.

B) The name and telephone number of the Agency's contact office, and a mailing address to which people may direct comments, information, opinions, or inquiries.

C) An address to which people may write to be put on the facility mailing list.

D) The location where people may view and make copies of the draft RCRA standardized permit and the Notice of Intent and supporting documents.

E) A brief description of the facility and proposed operations, including the address or a map (for example, a sketched or copied street map) of the facility location on the front page of the notice.

F) The date that the facility owner or operator submitted the Notice of Intent and supporting documents.

4) At the same time that the Agency issues the public notice pursuant to this Section, it must place the draft RCRA standardized permit (including both the uniform portion and the supplemental portion, if any), the Notice of Intent and supporting documents, and the statement of basis or fact sheet in a location accessible to the public in the vicinity of the facility or at the local Agency office.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.207 (2017).

b) Opportunities for Public Comment and Hearing on a Draft Permit Decision

1) The public notice that the Agency issues pursuant to Section 705.303(a) must allow at least 45 days for interested persons to submit written comments on its draft permit decision. This time is referred to as the public comment period. The Agency must automatically extend the public comment period to the close of any public hearing pursuant to this subsection (b). The hearing officer may also extend the comment period by so stating at the hearing.

2) During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. Any request for a public hearing must be submitted to the Agency in writing. The request for a public hearing must state the nature of the issues that the requestor proposes to raise during the hearing.

3) The Agency must hold a public hearing whenever it receives a written notice of opposition to a RCRA standardized permit and a request for a public hearing within the public comment period pursuant to subsection (b)(1). The Agency may also hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.

4) Whenever possible, the Agency must schedule a hearing pursuant to this subsection (b) at a location convenient to the nearest population center to the facility. The Agency must give public notice of the hearing at least 30 days before the date set for the hearing. (The Agency may give the public notice of the hearing at the same time it provides public notice of the draft permit, and the Agency may combine the two notices.)

5) The Agency must give public notice of the hearing according to the methods in Section 705.303(a)(1) and (a)(2). The hearing must be conducted according to the procedures in Section 705.182(b), (c), and (d).

6) In their written comments and during the public hearing, if held, interested persons may provide comments on the draft permit decision. These comments may include, but are not limited to, the facility's eligibility for the RCRA standardized permit, the tentative supplemental conditions proposed by the Agency, and the need for additional supplemental conditions.

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.208 (2017).

c) Requirements for Responding to Comments

1) At the time the Agency issues a final RCRA standardized permit, it must also respond to comments received during the public comment period on the draft permit. The Agency's response must do each of the following:

A) It must specify which additional conditions (i.e., those in the supplemental portion), if any, the Agency changed in the final permit, and the reasons for each change.

B) It must briefly describe and respond to all significant comments on the facility's ability to meet the general requirements (i.e., those terms and conditions in the uniform portion) and all significant comments on any additional conditions necessary to adequately protect human health and the environment that are raised during the public comment period or during the hearing.

C) It must make the comments and responses accessible to the public.

2) The Agency may request additional information from the facility owner or operator or inspect the facility if it needs additional information to adequately respond to significant comments or to make decisions about conditions that it may need to add to the supplemental portion of the RCRA standardized permit.

3) The Agency must include in the administrative record for its final permit decision any documents cited in the response to comments. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.209 (2017).

d) Appeal of a Final RCRA Standardized Permit by an Interested Party in the Permit Process. An interested party may petition the Board for administrative review of the Agency's final permit decision, including the Agency's decision that the facility is eligible for the RCRA standardized permit, according to the procedures of Section 705.212. However, the terms and conditions of the uniform portion of the RCRA standardized permit are not subject to administrative review pursuant to this subsection (d).

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.210 (2017).

(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.304 Modifying a RCRA Standardized Permit

a) Permissible Types of Changes an Owner or Operator May Make to its RCRA Standardized Permit. A facility owner or operator may make a routine change, a routine change with prior Agency approval, or a significant change. For the purposes of this subsection (a), the following definitions apply:

"Routine change" is any change to the RCRA standardized permit that qualifies as a Class 1 permit modification (without prior Agency approval) pursuant to Appendix A to 35 Ill. Adm. Code 703.

"Routine change with prior Agency approval" is a change to the RCRA standardized permit that would qualify as a Class 1 modification with prior agency approval, or a Class 2 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703.

"Significant change" is any change to the RCRA standardized permit that falls into one of the following categories:

It qualifies as a Class 3 permit modification pursuant to Appendix A to 35 Ill. Adm. Code 703;

It is not explicitly identified in Appendix A to 35 Ill. Adm. Code 703; or

It amends any terms or conditions in the supplemental portion of the RCRA standardized permit.

BOARD NOTE: Subsection (a) is derived from 40 CFR 124.211 (2017).

b) Procedures to Make Routine Changes

1) An owner or operator can make routine changes to the RCRA standardized permit without obtaining approval from the Agency. However, the owner or operator must first determine whether the routine change it will make amends the information it submitted to the Agency pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit.

2) If the routine changes that the owner or operator makes amend the information it submitted pursuant to 35 Ill. Adm. Code 703.351(b) with its Notice of Intent to operate under the RCRA standardized permit, then before the owner or operator makes the routine changes it must do both of the following:

A) It must submit to the Agency the revised information pursuant to 35 Ill. Adm. Code 703.351(b)(1); and

B) It must provide notice of the changes to the facility mailing list and to State and local governments in accordance with the procedures in Section 705.163(a)(4) and (a)(5).

BOARD NOTE: Subsection (b) is derived from 40 CFR 124.212 (2017).

c) Procedures for Routine Changes with Prior Agency Approval

1) Routine changes to the RCRA standardized permit may only be made with the prior written approval of the Agency.

2) The owner or operator must also follow the procedures in subsections (b)(2)(A) and (b)(2)(B).

BOARD NOTE: Subsection (c) is derived from 40 CFR 124.213 (2017).

d) Procedures the Owner or Operator Must Follow to Make Significant Changes

1) The owner or operator must first provide notice of and conduct a public meeting.

A) Public meeting. The owner or operator must hold a meeting with the public to solicit questions from the community and inform the community of its proposed modifications to its hazardous waste management activities. The owner or operator must post a sign-in sheet or otherwise provide a voluntary opportunity for people attending the meeting to provide their names and addresses.

B) Public notice. At least 30 days before the owner or operator plans to hold the meeting, it must issue a public notice in accordance with 35 Ill. Adm. Code 703.191(d).

2) After holding the public meeting, the owner or operator must submit a modification request to the Agency that provides the following information:

A) It must describe the exact changes that the owner or operator wants and whether the changes are to information that the owner or operator provided pursuant to 35 Ill. Adm. Code 703.351(b) or to terms and conditions in the supplemental portion of its RCRA standardized permit;

B) It must explain why the modification is needed; and

C) It must include a summary of the public meeting held pursuant to subsection (d)(1), along with the list of attendees and their

addresses and copies of any written comments or materials they submitted at the meeting.

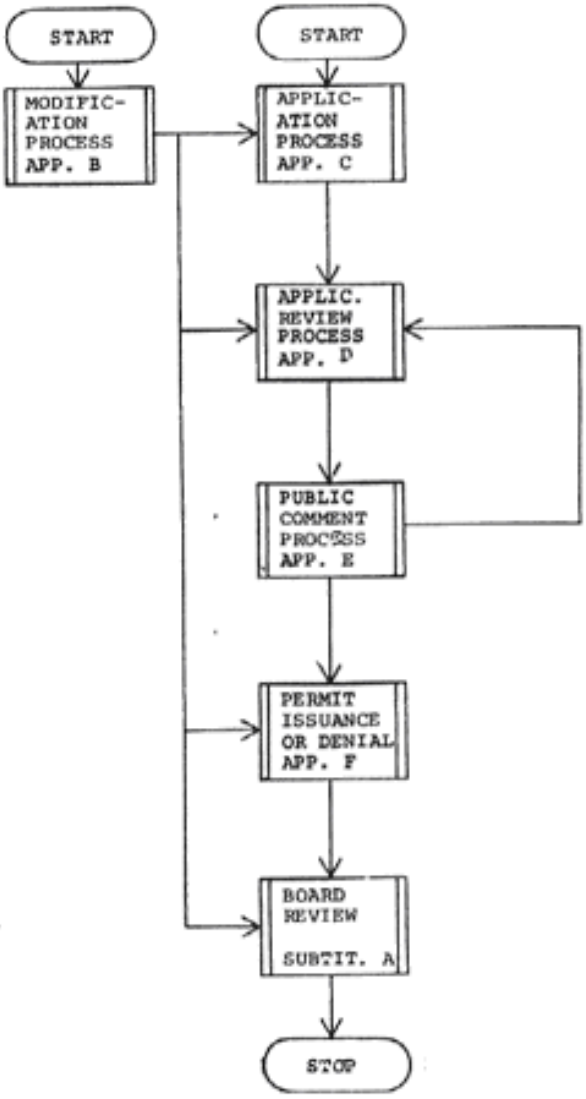
3) Once the Agency receives an owner's or operator's modification request, it must make a tentative determination within 120 days to approve or disapprove the request. The Agency is allowed a one time extension of 30 days to prepare the draft permit decision. When the use of the 30-day extension is anticipated, the Agency should inform the permit applicant during the initial 120-day review period.

4) After the Agency makes its tentative determination, the procedures in Sections 705.302(b) and 705.303 for processing an initial request for coverage under the RCRA standardized permit apply to making the final determination on the modification request.

BOARD NOTE: Subsection (d) is derived from 40 CFR 124.214 (2017).

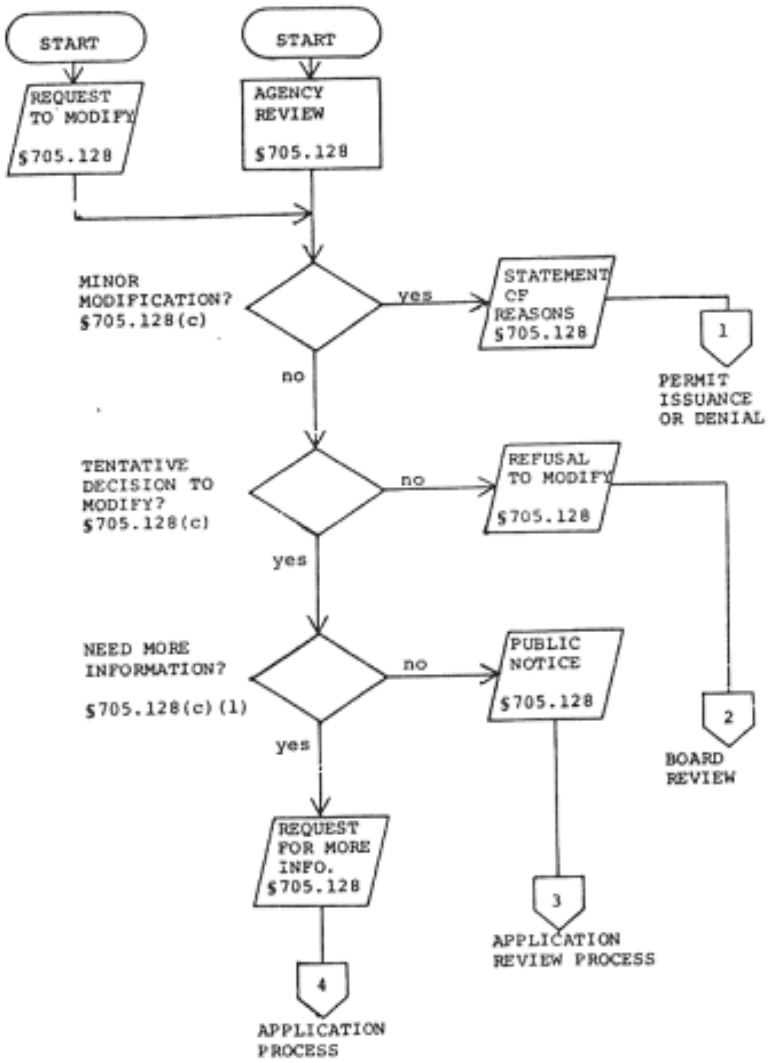
(Source: Amended at 42 Ill. Reg. 21179, effective November 19, 2018)

Section 705.APPENDIX A Procedures for Permit Issuance



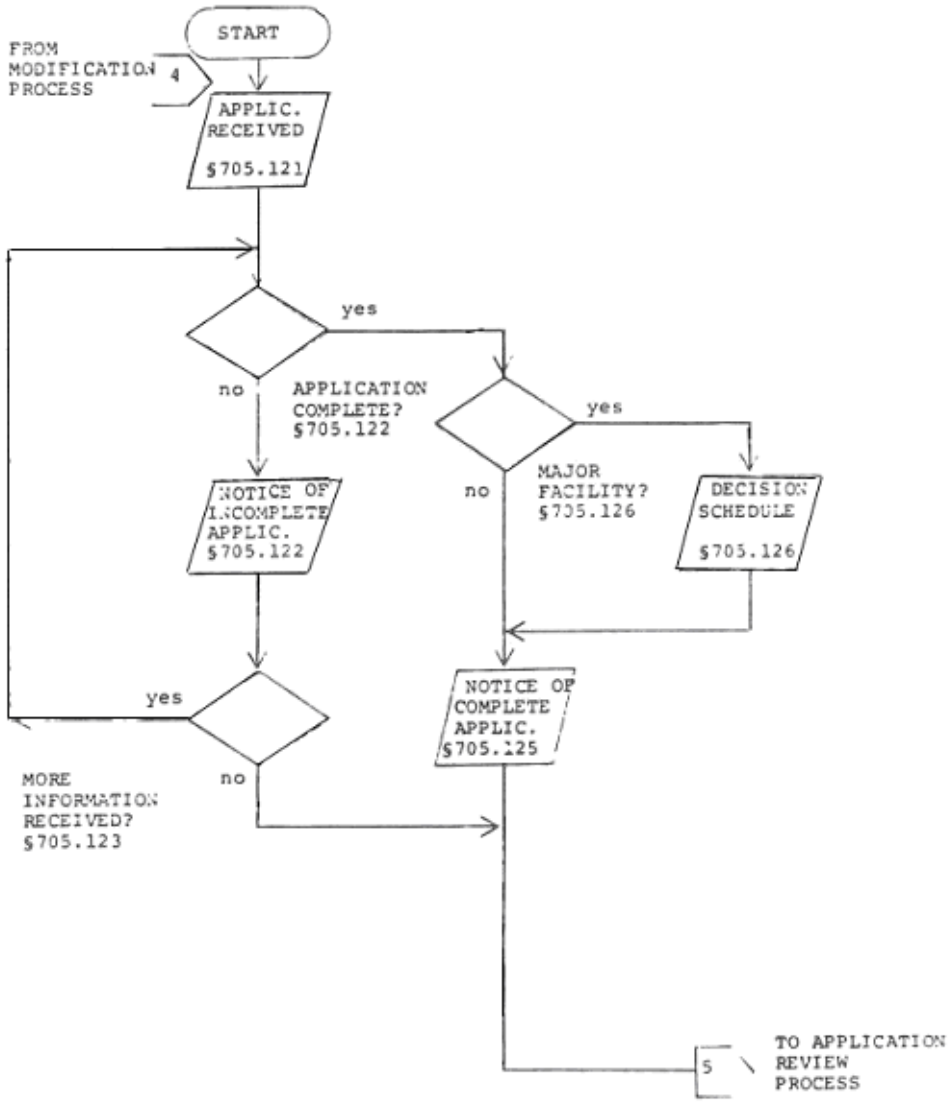
(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.APPENDIX B Modification Process



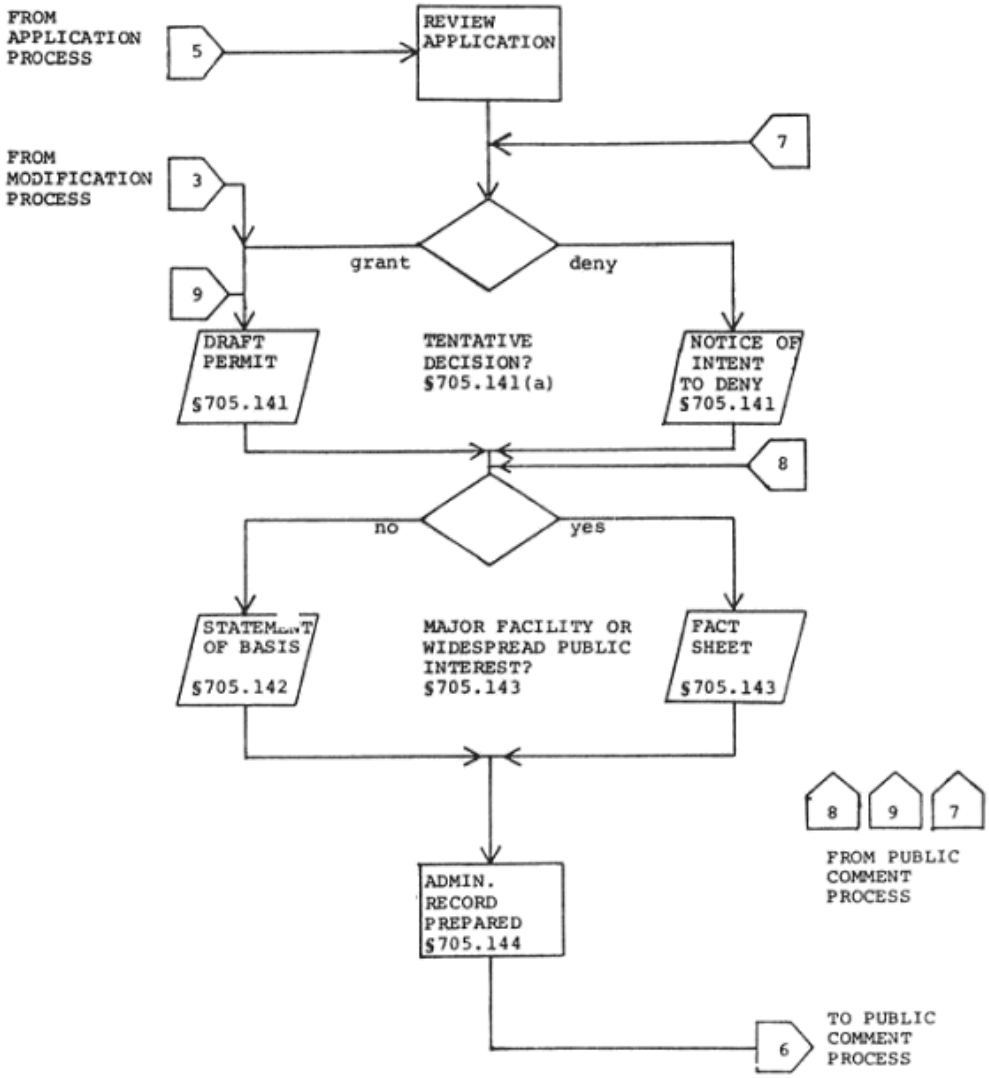
(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.APPENDIX C Application Process



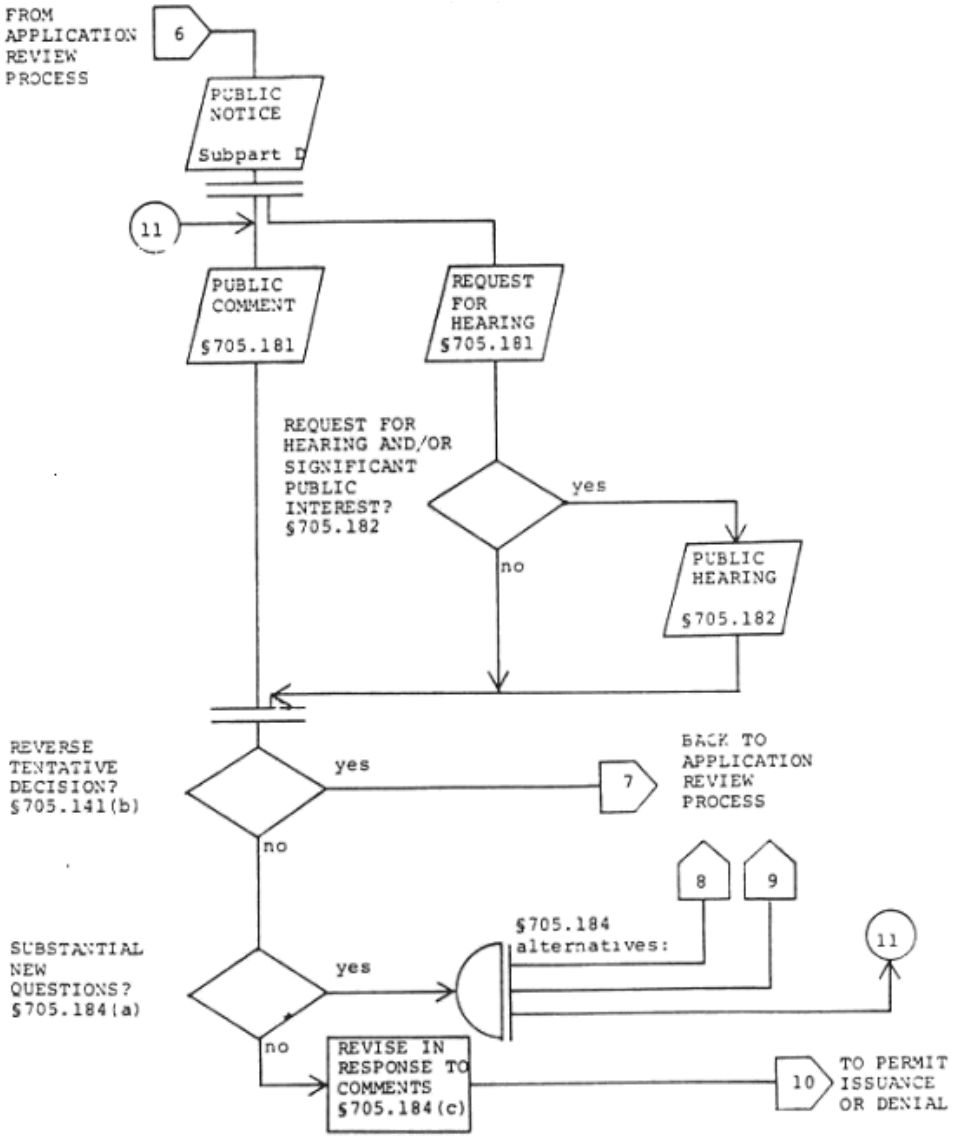
(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.APPENDIX D Application Review Process



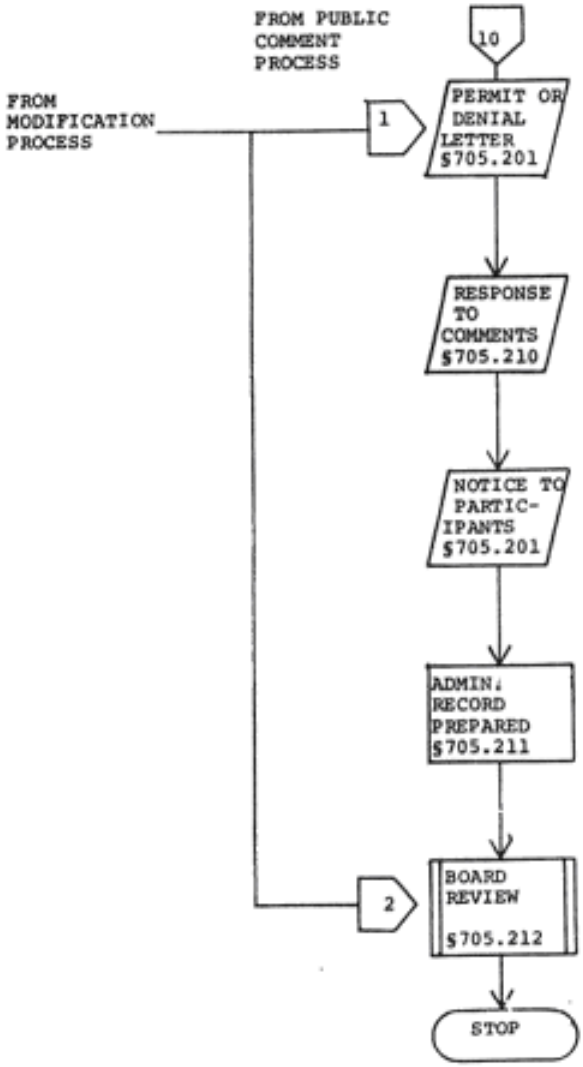
(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.APPENDIX E Public Comment Process



(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

Section 705.APPENDIX F Permit Issuance or Denial



(Source: Amended at 27 Ill. Reg. 3675, effective February 14, 2003)

AUTHORITY: Implementing Sections 7.2, 13, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, 22.23e, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21215, effective November 19, 2018; amended in R19-3 at 43

Ill. Reg. 446, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5817, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15067, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9723, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16776, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11338, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 720.101 Purpose, Scope, and Applicability

a) This Part provides definitions of terms, general standards, and overview information applicable to 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

b) In this Part:

1) Section 720.102 provides the rules that the Board and the Agency will use in making information it receives available to the public and the requirements that a generator, transporter, or owner or operator of a treatment, storage, or disposal facility must follow to assert claims of business confidentiality with respect to information that is submitted to the Board or the Agency for the purpose of complying with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

2) Section 720.103 establishes rules of grammatical construction for the purpose of complying with 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

3) Section 720.110 defines terms that are used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.102 Availability of Information; Confidentiality of Information

a) Availability and confidentiality of information is governed by Illinois law, including Sections 7 and 7.1 of the Act and 35 Ill. Adm. Code 130.

b) Except as provided under subsections (c) and (d), any person who submits information to the Board or the Agency under this Part or 35 Ill. Adm. Code 721 through 728 may assert a claim of business confidentiality by following the procedures in 35 Ill. Adm. Code 130. Information covered by the claim will be disclosed by the Board or the Agency only to the extent, and by means of the procedures, provided in 35 Ill. Adm. Code 130.

c) Public Disclosure of Hazardous Waste Manifest Documents

1) No claim of business confidentiality may be asserted by any person with respect to information entered on a hazardous waste manifest (USEPA Form 8700-22), a Hazardous Waste Manifest Continuation Sheet (USEPA Form 8700-22A), or an e-Manifest format that may be prepared and used in accordance with 35 Ill. Adm. Code 722.120(a)(3).

2) USEPA has stated that it will make any e-Manifest that is prepared and used under 35 Ill. Adm. Code 722.120(a)(3), or any paper manifest that is submitted to the e-Manifest System under 35 Ill. Adm. Code 724.171(a)(6) or 725.171(a)(6) available to the public under this Section when the electronic or paper manifest is a complete and final document. E-Manifests and paper manifests submitted to the e-Manifest System are complete and final documents, and they become publicly available information, after 90 days have passed since the delivery to the designated facility of the hazardous waste shipment identified in the manifest.

d) Claims of Confidentiality

1) A person may not assert any claim of business confidentiality with respect to information contained in cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a), and for the information contained in hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171, whether submitted electronically into USEPA's Waste Import Export Tracking System or in paper format. After January 22, 2025, no claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents prepared, used and submitted under Section 721.104(a)(25), whether submitted electronically into the USEPA's Waste Import Export Tracking System or in paper format.

2) USEPA will make any cathode ray tube export documents prepared, used, and submitted under 35 Ill. Adm. Code 721.139(a)(5) and 721.141(a) and any hazardous waste export, import, and transit documents prepared, used, and submitted under 35 Ill. Adm. Code 722.182, 722.183, 722.184, 723.120, 724.112, 724.171, 725.112, 725.171, and 727.171 available to the public under this Section when USEPA considers these electronic or paper documents to be final documents. USEPA considers these submitted electronic and paper documents related to hazardous waste exports, imports, and transits and cathode ray tube exports to be final documents on March 1 of the calendar year after the related cathode ray tube exports or hazardous waste exports, imports, or transits occur. After January 22, 2025, USEPA will make available to the public under this section any hazardous secondary material export documents prepared, used and submitted under Section 721.104(a)(25) on March 1 of the

calendar year after the related hazardous secondary material exports occur, when these documents are considered by the USEPA to be final documents.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.103 Use of Number and Gender

As used in 35 Ill. Adm. Code 720 through 728, 730, 733, 738, and 739:

a) Words in any of the masculine, feminine, or neuter genders also includes the other two;

b) Words in the singular include the plural; and

c) Words in the plural include the singular.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.104 Manifest Copy Submission Requirements for Certain Interstate Waste Shipments

If the state in which waste is generated or the state in which waste will be transported to a designated facility requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste must, regardless of the state in which the designated facility is located must do the following:

a) Complete the facility portion of the applicable manifest;

b) Sign and date the facility certification;

c) Submit to the e-Manifest System a final copy of the manifest for data processing purposes; and

d) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of the applicable of 40 CFR 264 or 265, each incorporated by reference in Section 720.111.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.105 Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments

a) For this Section, “state-only regulated waste” means one of the following:

1) A waste that is not hazardous waste but for which a state regulatory program requires use of a manifest (USEPA Form 8700-22); or

2) A hazardous waste that is federally exempt from manifest requirements but not exempt from manifest requirements under state law.

b) In any case in which a state requires a manifest to be used under state law to track the shipping and transporting a state-only regulated waste to a receiving facility, the facility receiving the waste shipment for management must do both of the following:

1) Comply with 35 Ill. Adm. Code 724.171 (Use of Manifest System) and 724.172 (Manifest Discrepancies); and

2) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264, incorporated by reference in Section 720.111.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.109 Electronic Reporting

a) Scope and Applicability

1) The USEPA, the Board, or the Agency may allow for submitting any document as an electronic document in lieu of a paper document. This Section does not require submitting electronic documents in lieu of paper documents. This Section specifies the requirements for any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency under any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic

format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

B) For submissions of documents to the State, submissions may occur only under the following circumstances:

i) To the Board, into the Clerk's Office On-Line (COOL) system at www.pcb.illinois.gov.

ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval under 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.

3) This Section does not apply to any of the following documents, whether the document is a document submitted to satisfy the requirements cited in subsection (a)(1):

A) Any document submitted via facsimile;

B) Any document submitted via magnetic or optical media, e.g., a diskette, compact disc, digital video disc, or tape; or

C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.

4) Upon USEPA conferring written approval for submitting any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B), the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. If USEPA ceases approval in writing for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly publish a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000.

b) Definitions. For this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

c) Procedures for Submitting Electronic Documents in Lieu of Paper Documents to USEPA. Except as provided in subsection (a)(3), any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

1) The person complies with 40 CFR 3.10, incorporated by reference in Section 720.111(b); and

2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A).

BOARD NOTE: Subsection (c) is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3.

d) Procedures for Submitting Electronic Documents in Lieu of Paper Documents to the Board or the Agency

1) The Board or the Agency may establish procedural rules for submitting electronic documents. The Board or the Agency must establish any procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].

2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B).

BOARD NOTE: Subsection (d) is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3.

e) Effects of Submitting an Electronic Document in Lieu of Paper Documents

1) If a person who submits a document as an electronic document fails to comply with this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

2) If a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3.4 and 3.2000(c).

f) Public Document Subject to State Laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including the following:

1) The Administrative Procedure Act;

2) The Freedom of Information Act [5 ILCS 140];

3) The State Records Act [5 ILCS 160];

4) The Electronic Commerce Security Act [5 ILCS 175];

5) The Act;

6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and

7) Board procedural rules relating to protecting trade secrets and confidential information (35 Ill. Adm. Code 130).

g) Nothing in this Section or in any provisions adopted under subsection (d)(1) will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) is derived from 40 CFR 3.2 (c).

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated so that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and that is not a closed portion. (See also "closed portion".)

"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).
BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, and all USEPA hazardous waste numbers having the prefix "P".

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Agency" means the Illinois Environmental Protection Agency.

"Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

"Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under 35 Ill. Adm. Code 721.104(j) and that accumulates the waste for more than ten days.

"Airbag waste handler" means any person, by site, that generates airbag waste that is subject to regulation under 35 Ill. Adm. Code 721.104(j).

"Ancillary equipment" means any devices, like piping, fittings, flanges, valves, and pumps, that are used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste

storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person overall responsible for operating a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device that consists of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus those connections (electrical and mechanical) that are needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (like waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (like economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

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

"Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A "used, intact CRT" means a CRT whose vacuum has not been released. A "used, broken CRT" means glass removed from its housing or casing whose vacuum has been released.

"Central accumulation area" means any on-site area where hazardous waste is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

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

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

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Contained" means held in a unit (including a land-based unit, as defined in this Section) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment.

"Unpermitted releases" are releases that are not covered by a permit (e.g., a permit to discharge to water or air) and may include releases through surface transport by precipitation run-off, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (like a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit, is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

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

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"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 that could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a

professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person that receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT exporter" means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for the export.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, under 35 Ill. Adm. Code 722.120, of which any of the following is true:

The facility has received a RCRA permit (or interim status) under 35 Ill. Adm. Code 702, 703, and 705;

The facility has received a RCRA permit from USEPA under 40 CFR 124 and 270;

The facility has received a RCRA permit from a state authorized by USEPA under 40 CFR 271; or

The facility is regulated under 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 726; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a

designated hazardous waste treatment, storage, or disposal facility that has rejected the waste according to 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA under 40 CFR 271, but that has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept the waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for managing that category of universal waste.

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

"Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzodioxins and furans.

"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 the solid waste or hazardous waste or any of its constituent 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. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related

documents to USEPA using USEPA's Waste Import Export Tracking System, or its successor system.
BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

"Electronic manifest" or "e-Manifest" means the electronic format of the hazardous waste manifest that is obtained from USEPA's national e-Manifest System and transmitted electronically to the e-Manifest System, and that is the legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

"Electronic Manifest System" or "e-Manifest System" means USEPA's national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

"Elementary neutralization unit" means a device that meets the following:

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

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

"Equivalent method" means any testing or analytical method approved by the Board under Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility commenced construction if the owner or operator obtained the federal, State, and local approvals or permits necessary to begin physically constructing the facility and either of the following occurred:

A continuous on-site, physical construction program began; or

The owner or operator entered contractual obligations that could not be canceled or modified without substantial loss for physically constructing 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 RCRA Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physically constructing the site or installing the tank system and if either of the following is met:

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

The owner or operator entered contractual obligations that cannot be canceled or modified without substantial loss for physically constructing the site or installing the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. These situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in completing an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials prior to reclamation. A facility may comprise several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For implementing corrective action under 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This

definition also applies to facilities implementing corrective action under RCRA section 3008(h).

Despite the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within the facility.

"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 physically constructing" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in compliance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.116 and 722.117.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids that 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 secondary material" means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste under 35 Ill. Adm. Code 721.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For this definition, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For Sections

721.102(a)(2)(B) and 721.104(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Incinerator" means any enclosed device that:

Uses controlled flame combustion, and the device:

Does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is not listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

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 Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Individual generator site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generator site, like a large

manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generator site if the site or property is contiguous.

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices like cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for producing acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other device that the Agency determines to be an industrial furnace based on one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank with any portion of the tank wall situated within the ground, so that the ground prevents visually inspecting that external surface area of the tank.

"In operation" refers to a facility that 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 that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise installing tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than ten days and that is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

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

"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most

often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land-based unit" means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; these 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 that is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

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

"Large quantity generator" or "LQG" means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. The system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or comprise an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in compliance with the applicable requirements of 35 Ill. Adm. Code 722 through 727.

"Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

"Mercury-containing equipment" means a device or part of a device (including thermostats but excluding batteries and lamps) that contains elemental mercury integral to its function.

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.), as amended, have been completed.

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

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

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

"NAICS Code" means the code number assigned a facility using the "North American Industry Classification System", incorporated by reference in Section 720.111.

"New hazardous waste management facility", "new HWM facility", or "new facility" means a facility that began operation, or for which construction commenced after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except for 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system".)

"No free liquids", as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

"Non-acute hazardous waste" means hazardous waste that is not acute hazardous waste, as defined in this Section.

"On-ground tank" means a device meeting the definition of tank whose bottom is situated on the same level as the adjacent surrounding surfaces so that visually inspecting the external tank bottom is not possible.

"On-site" means the same or geographically contiguous property that 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. Non-contiguous properties owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

"Open burning" means combusting any material without the following characteristics:

Controlling combustion air to maintain adequate temperature for efficient combustion;

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

Controlling emission of the gaseous combustion products.
(See also "incineration" and "thermal treatment".)

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

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

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

"Partial closure" means the closure of a hazardous waste management unit in compliance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

“Paper manifest submissions” mean submissions to the paper processing center of the USEPA e-Manifest system by facility owners or operators, of the data from the

designated facility copy of a paper manifest, USEPA Form 8700-22, or a paper Continuations Sheet, USEPA form 8700-22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in compliance with 40 CFR 264.1311(b), or by submitting both an image file and data file in compliance with procedures in 40 CFR 264.1311(c).

"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 not complying with 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that meets one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512 (21 U.S.C. 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 U.S.C. 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Physical construction" or "physically constructing" (RCRA) means excavating, moving earth, erecting forms or structures, or similar activity to prepare an HWM facility for accepting hazardous waste.

"Pile" means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including 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" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certification, or completing accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport. BOARD NOTE: State registration includes registration as a professional engineer with the Department of Professional Regulation under 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes certification under the certified groundwater professional program of the National Ground Water Association.

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

"RCRA standardized permit" means a RCRA permit issued under Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator's designee.

"Remanufacturing" means processing a higher-value hazardous secondary material to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is in a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which substantially all waste is removed, and that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in compliance with a closure or corrective action plan approved by USEPA or the Agency.

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

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

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

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

"SIC code" means "Standard Industrial Classification code", as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as provided in "Standard Industrial Classification Manual", incorporated by reference in Section 720.111(a).

"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.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" or "SQG" means a generator that generates the following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

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

"Solvent-contaminated wipe" means the following:

A wipe that, after use or after cleaning up a spill, meets one or more of the following conditions:

The wipe contains one or more of the F001 through F005 solvents listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-listed solvents found in 35 Ill. Adm. Code 721.133;

The wipe exhibits a hazardous characteristic found in Subpart C of 35 Ill. Adm. Code 721 when that characteristic results from a solvent listed in 35 Ill. Adm. Code 721; or

The wipe exhibits only the hazardous waste characteristic of ignitability found in 35 Ill. Adm. Code 721.121 due to the presence of one or more solvents that are not listed in 35 Ill. Adm. Code 721.

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity

due to contaminants other than solvents, are not eligible for the exclusions at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

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

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

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetra-chlorodibenzo-p-dioxin.

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

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from the temperature control device complying with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

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

"Transport vehicle" means a motor vehicle or rail car used for transporting cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

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

"Transporter" means a person engaged in transporting hazardous waste off-site by air, rail, highway, or water.

"Treatability study" means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

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

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

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

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"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.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirements of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

Lamps, as described in 35 Ill. Adm. Code 733.105;

Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under 35 Ill. Adm. Code 733.113(e) or 733.133(e)) universal waste; or

A person engaged in transporting universal waste off-site by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in transporting universal waste off-site by air, rail, highway, or water.

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

"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.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and because of this use is contaminated by physical or chemical impurities.

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

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

"USEPA identification number" or "USEPA ID number" is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification complying with section 3010 of RCRAU.S.C..

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity that meets both of the following conditions:

The person or entity must use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either of the following:

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

The person or entity elects to use either of the following:

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or

the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data from the paper copy), in compliance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;

1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"Vessel" includes every description of watercraft used or capable of being used for transporting on the water.

"Wastewater treatment unit" means a device that:

Is part of a wastewater treatment facility that has an NPDES permit under 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge under 35 Ill. Adm. Code 310;

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment) " means transporting bulk hazardous waste 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" means "underground injection".

"Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

"Zone of engineering control" means an area under the control of the owner or operator that, upon detecting a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 49 Ill. Reg. 11338, effective August 27, 2025)

Section 720.111 References

The following documents are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

a) Non-Regulatory Government Publications and Publications of Recognized Organizations and Associations:

ACGME. Available from the Accreditation Council for Graduate Medical Education, 401 North Michigan Avenue, Suite 2000, Chicago, IL 60611, 312-755-5000, www.acgme.org:

"Accreditation Council for Graduate Medical Education: Glossary of Terms", March 19, 2009, referenced in 35 Ill. Adm. Code 722.300.

BOARD NOTE: Also available on the Internet for download and viewing as a PDF file at the following Internet address: www.acgme.org/Portals/0/PDFs/ab_ACGMEglossary.pdf.

ACI. Available from the American Concrete Institute, 38800 Country Club Dr., Farmington Hills, MI 48331-3439:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ANSI. Available from the American National Standards Institute, 1899 L Street, N.W., 11th Floor, Washington, DC 20036, 202-293-8020. www.ansi.org:

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

API. Available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, DC 20005, (855) 999-9870, www.api.org :

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks", API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 721.983 and 725.984.

"Guide for Inspection of Refinery Equipment", Chapter XIII, "Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 721.291, 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, Two Park Avenue, New York, NY 10016-5990, 800-843-2763, https://www.asme.org:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

ASTM International. Available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-ASTM or 610-832-9500, www.astm.org:

ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete", approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity", approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 93-80, "Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester", approved 1980, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis", approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420–69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes", approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452–65, "Standard Practice for Soil Investigation and Sampling by Auger Borings", approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, “Standard Practice for Analysis of Reformed Gas by Gas Chromatography”, approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, “Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity”, March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, “Standard Practice for Collection of a Gross Sample of Coal”, approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, “Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography”, approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM D 2382-88, “Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)”, approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, “Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope”, approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963, and 725.963.

ASTM D 3828-87, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-97, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 1997, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-98, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 1998, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-02, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2002, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-05, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2005, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-07, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2007, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-07a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2007, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-09, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2009, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-12, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2012, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-12a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2012, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-16a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2016, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-16, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2016, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 3828-16a, “Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester”, approved 2016, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 8174-18, “Standard Test Methods for Finite Flash Point Determination of Liquid Wastes by Small-Scale Closed Cup Tester”, approved 2018, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM D 8175-18, “Standard Test Methods for Finite Flash Point Determination of Liquid Wastes by Pensky-Martens Closed Cup Tester”, approved 2018, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 169-87, “Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis”, approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 260-85, “Standard Practice for Packed Column Gas Chromatography”, approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM E 681-85, “Standard Practice for Concentration Limits of Flammability of Chemicals (Vapors and Gases)”, approved 1985, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 681-98, “Standard Practice for Concentration Limits of Flammability of Chemicals (Vapors and Gases)”, approved 1998, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 681-01, “Standard Practice for Concentration Limits of Flammability of Chemicals (Vapors and Gases)”, approved 2001, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 681-04, “Standard Practice for Concentration Limits of Flammability of Chemicals (Vapors and Gases)”, approved 2004, reapproved 2015, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 681-09, “Standard Practice for Concentration Limits of Flammability of Chemicals (Vapors and Gases)”, approved 1009, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 681-09(2015), “Standard Practice for Concentration Limits of Flammability of Chemicals (Vapors and Gases)”, approved 1009, reapproved 2015, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM G 21-70 (1984a), “Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi”, approved 1970, referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), “Standard Practice for Determining Resistance of Plastics to Bacteria”, referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Publishing Office, 732 Capitol Street, N.W., Washington, DC 20401-0001, 202-512-1800, www.gpo.gov:

Standard Industrial Classification Manual (1987), referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW -846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

ISO. Available from the International Organization for Standardization, BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland (phone: +41 22 749 01 11; www.iso.org/store.html):

International Standard ISO 3166-1:2013, "Codes for the representation of names of countries and their subdivisions—Part 1: Country code", Third edition (2013), referenced in 35 Ill. Adm. Code 722.183 and 722.184. Latest Board search for updated version: July 2020.

BOARD NOTE: ISO maintains a web page with a free on-line list of country codes accessible at www.iso.org/obp/ui/#search.

NACE. Available from the National Association of Corrosion Engineers, 15835 Park Ten Place, Houston, TX 77084, 281-228-6200, www.nace.org:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, P.O. Box 9101, Quincy, MA 02269-9101, 800-344-3555, www.nfpa.org:

"Flammable and Combustible Liquids Code", NFPA 30 (1977), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1981), referenced in 35 Ill. Adm. Code 722.116.

"Flammable and Combustible Liquids Code", NFPA 30 (1984), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, 726.211, and 727.290.

"Flammable and Combustible Liquids Code", NFPA 30 (1987), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

"Flammable and Combustible Liquids Code", NFPA 30 (2003), as supplemented by TIA 03-1 (2004), and corrected by Errata 30-03-01 (2004), referenced in 35 Ill. Adm. Code 721.298, 722.116, 724.298, 725.298, 726.211, and 727.290.

"Standard System for the Identification of the Hazards of Materials for Emergency Response", NFPA 704 (2012), referenced in 35 Ill. Adm. Code 722.114 and 722.116.

USEPA, NSCEP. National Service Center for Environmental Publications, https://www.epa.gov/nscep.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry", Revision A, February 1999, USEPA publication number EPA-821/R-98-002, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. (Search: 821r98002.) Also available from NTIS.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry", Revision B, February 2010, USEPA publication number EPA-821/R-10-001, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. (Search: 821r10001.) Also available from NTIS.

NTIS. Available from the National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312, 703-605-6000 or 800-553-6847, www.ntis.gov:

"APTI Course 415: Control of Gaseous Emissions", December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935. Also available from NSCEP.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute".

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry", Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. Also available from USEPA, NSCEP.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry", Revision B, February 2010, USEPA publication number EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721. Also available from USEPA, NSCEP.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192. Also available from USEPA, NSCEP.

"North American Industry Classification System", July 2017, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142, and in 35 Ill. Adm. Code 721.104.

BOARD NOTE: Also available on the Internet from the Bureau of Census at www.census.gov/eos/www/naics.

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192. Also available from USEPA, NSCEP.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206. Also

available from USEPA, NSCEP and USEPA, Receptor Analysis Branch.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, 728.106, and 728.107 (in addition to the references cited below for specific methods), www.epa.gov/hw-sw846:

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl2 Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010B (December 2018) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for 35 Ill. Adm. Code 721.121 and Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020C (December 2018) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for 35 Ill. Adm. Code 721.121 and Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Tables H and U to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Tables H and U to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

OECD. Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France (www.oecd.org), also OECD Washington Center, 1776 I Street, NW, Suite 450, Washington, DC 20006, 202-452-0050 www.oecd-ilibrary.org :

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008):

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention"). Latest Board search for updated version: August 2020.

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm.

Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention. Latest Board search for updated version: August 2020.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/environment/waste/guidance-manual-control-transboundary-movements-recoverable-wastes.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to "OECD C(2001)107/FINAL" in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability", Method 301B (July 17, 1992), "CO_2 Evolution (Modified Sturm Test)", referenced in 35 Ill. Adm. Code 724.414. Latest Board search for updated version: August 2020.

STI. Available from the Steel Tank Institute, 944 Donata Ct., Lake Zurich, IL 60047, 847-438-8265, https://stispfa.org/.

"Standard for Dual Wall Underground Steel Storage Tanks" (20066), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"Defense Explosives Safety Regulation 6055.09, Edition 1" (DESR 6055.09), as in effect on January 13, 2019, referenced in 35

Ill. Adm. Code 726.305. Latest Board search for updated version: August 2020.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in October 2011, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

"The Signature and Tally Record" (DD Form 1907), as in effect in October 2011, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

"DOD Multimodal Dangerous Goods Declaration" (DD Form 2890), as in effect in September 2015, referenced in 35 Ill. Adm. Code 726.303. Latest Board search for updated version: August 2020.

BOARD NOTE: DESR 6055.09, DD Form 626, DD Form 1348, DD Form 1907, and DD Form 2890 are available on-line for download in pdf format from www.esd.whs.mil/DD/.

USEPA, e-Manifest System. Available from United States Environmental Protection Agency, e-Manifest System (www.epa.gov/e-manifest):

"Hazardous Waste Manifest Instructions". Instructions for revision 12-17 of USEPA Forms 8700-22 and 8700-22A, referenced in 35 Ill. Adm. Code 722.120. Available at www.epa.gov/hwgenerators/uniform-hazardous-waste-manifest-instructions-sample-form-and-continuation-sheet. Latest Board search for updated version: August 2020.

USEPA, OGWDW. Available from United States Environmental Protection Agency, Office of Ground Water and Drinking Water, State Programs Division, 1200 Pennsylvania Ave., N.W. (Mail Code 4606M), Washington, DC 20460:

"Inventory of Injection Wells", USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet at www3.epa.gov/scram001/guidance/guide/EPA-454R-92-019_OCR.pdf.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program—Guidance Manual for the Petitioner", March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303. Latest Board search for updated version: August 2020.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20401, 202-783-3238, www.ecfr.gov or https://www.govinfo.gov/app/collection/cfr:

10 CFR 20.2006 (2023) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 (2023) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2023) (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (2023) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2023) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

15 CFR 30.4(b) (2023) (Electronic Export Information Filing, Procedures, Deadlines, and Certification Statements), referenced in 35 Ill. Adm. Code 721.139.

15 CFR 30.6 (2023) (Electronic Export Information Data Elements), referenced in 35 Ill. Adm. Code 721.139.

21 CFR 203.3(y) (2023) ("Prescription Drug"), referenced in 35 Ill. Adm. Code 726.600.

21 CFR 1300 through 1317 (2023) (Drug Enforcement Administration, Department of Justice), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.01 (2023) (Definitions Relating to Controlled Substances), referenced in 35 Ill. Adm. Code 726.604 and 726.606.

21 CFR 1300.05 (2023) (Definitions Relating to the Disposal of Controlled Substances), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1308.11 through 1308.15 (2023) (Schedules), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.90 (2023) (Methods of Destruction), referenced in 35 Ill. Adm. Code 726.606.

21 CFR 1317.95 (2023) (Destruction Procedures), referenced in 35 Ill. Adm. Code 726.606.

29 CFR 1910.1200 (2023) (Hazard Communication), referenced in 35 Ill. Adm. Code 722.115.

33 CFR 153.203 (2023) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2023) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 (2023) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 (2023) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2023) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2023) (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models", Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).
Appendix B to 40 CFR 52.741 (2023) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (2023) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950, 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.
Subpart VV of 40 CFR 60 (2023) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 (2023) (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.
Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935, 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 23 (Determination of Polychlorinated Dibenzo-*p*-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources) referenced in 35 Ill. Adm. Code 726.204.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 721.934, 724.934, and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 721.983, 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 721.986, 724.986, and 725.987.

40 CFR 61 (2023) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (2023) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Subpart FF of 40 CFR 61 (2023) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2023) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 (2023) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 (2023) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2023) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984. Appendix C to 40 CFR 63 (2023) (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2023) (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2023), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2023) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2023) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2023) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 (2023) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 722.114.

40 CFR 258 (2023) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2023) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2023) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2023) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

Appendix to 40 CFR 262 (2023) (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (2023) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

40 CFR 264.1311 (2023) (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1312 (2023) (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1313 (2023) (User Fee Revisions), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1314 (2023) (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1315 (2023) (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1316 (2023) (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 724.171.

Subpart FF of 40 CFR 264 (2023) (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 264 (2023) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2023) (Cochran’s Approximation to the Behrens-Fisher Students’ T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 (2023) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (2023) (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

40 CFR 265.1311 (2023) (Manifest Transactions Subject to Fees), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1312 (2023) (User Fee Calculation Methodology), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1313 (2023) (User Fee Revisions), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1314 (2023) (How to Make User Fee Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1315 (2023) (Sanctions for Delinquent Payments), referenced in 35 Ill. Adm. Code 725.171.

40 CFR 265.1316 (2023) (Informal Fee Dispute Resolution), referenced in 35 Ill. Adm. Code 725.171.

Subpart FF of 40 CFR 265 (2023) (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix I to 40 CFR 265 (2023) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2023) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2023) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2023) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 (2023) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces", December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (2024~~2023~~) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2024~~2023~~) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (2025~~2023~~) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 403.5 (2025~~2023~~) (National Pretreatment Standards: Prohibited Discharges), referenced in 35 Ill. Adm. Code 721.104 and 726.605.

40 CFR 711.15(a)(4)(i)(C) (2025~~2023~~) (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 (2025~~2023~~) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2025~~2023~~) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2025~~2023~~) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2025~~2023~~) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2025~~2023~~) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (20242022) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (20242022) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (20242022) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (20242022) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (20242022) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (20242022) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (20242022) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 726.609, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

Table to 49 CFR 172.101 (20242022) (Hazardous Materials Table), referenced in 35 Ill. Adm. Code 721.104, 722.183, 722.184, 724.112, and 725.112.

49 CFR 172.304 (20242022) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132 and 766.608.

Subpart C of 49 CFR 172 (20242022) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124 and 726.610.

Subpart D of 49 CFR 172 (20242022) (Marking), referenced in 35 Ill. Adm. Code 726.608.

Subpart E of 49 CFR 172 (20242022) (Labeling), referenced in 35 Ill. Adm. Code 722.114, 722.115, and 726.608.

Subpart F of 49 CFR 172 (20242022) (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115, 722.133, and 726.608.

49 CFR 173 (2024~~2022~~) (Shippers—General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2024~~2022~~) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2024~~2022~~) (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 (2024~~2022~~) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2024~~2022~~) (Class 1—Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2024~~2022~~) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2024~~2022~~) (Class 2, Divisions 2.1, 2.2, and 2.3—Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2024~~2022~~) (Class 2, Divisions 2.1, 2.2, and 2.3—Definition and Assignment of Packaging Groups), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2024~~2022~~) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2024~~2022~~) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2024~~2022~~) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2024~~2022~~) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 (2024~~2022~~) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 (20242022) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (20242022) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (20242022) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 726.608, 726.609, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 (20242022) (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 (20242022) (Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 192 (20242022) (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (20242022) (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (20242022) (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 195 (20242022) (Transportation of Hazardous Liquids by Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 196 (20242022) (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 (20242022) (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (20242022) (Drug and Alcohol Testing), referenced generally in 35 Ill. Adm. Code 721.104.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014 (20232018)), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 U.S.C. 1311, 1314, 1337, and 1342 (2024~~2018~~)), referenced in 35 Ill. Adm. Code 721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. 321(v), 321(w), and 360b(j) (2024~~2018~~)), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. 321(ff) (2024~~2018~~)), referenced in Section 726.600.

Section 102(27) of the Controlled Substances Act (21 U.S.C. 802(27) (2024~~2018~~) ("Ultimate User")), referenced in 35 Ill. Adm. Code 726.606.

Section 1004 of the Resource Conservation and Recovery Act (42 U.S.C. 6903 (2023~~2018~~)), referenced in 35 Ill. Adm. Code 721.931, 721.951, 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.

Chapter 601 of subtitle VIII of 49 U.S.C. (49 U.S.C. 60101 through 60141 (2023~~2018~~)), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 U.S.C. 1521(j)(1) (2023~~2018~~)), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.120 Rulemaking

a) Any person may petition the Board to adopt as State regulations rules that are identical in substance with newly adopted federal amendments or regulations. The petition must take the form of a proposal for rulemaking under 35 Ill. Adm. Code 102. The proposal must include a listing of all amendments to 40 CFR 260 through 268, 273, or 279 that have been made since the last preceding amendment or proposal to amend 35 Ill. Adm. Code 720 through 728, 733, or 739, under Section 22.4(a) of the Act.

b) Any person may petition the Board to adopt amendments or additional regulations not identical in substance with federal regulations. The proposal must conform to 35 Ill. Adm. Code 102 and Section 22.4(b) or 22.4(c) and Title VII of the Act.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.121 Alternative Equivalent Testing Methods

a) The Agency has no authority to alter the universe of regulated wastes. Modification of testing methods that are stated in 35 Ill. Adm. Code 721 requires rulemaking under Section 720.120. However, deviation from these methods is allowed under 35 Ill. Adm. Code 721, as observed, for example, in the Board Note appended to 35 Ill. Adm. Code 721.120(c).

b) The Agency may approve alternative equivalent testing methods for a particular person's use to determine whether specified waste streams are subject to these regulations. This must be done by permit condition or letter. Any petition to the Board or request to the Agency concerning alternative equivalent testing methods must include the information required by 40 CFR 260.21(b), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

c) The testing methods specified in 35 Ill. Adm. Code 721 or alternative equivalent testing methods approved by the Agency need not be applied to identify or distinguish waste streams that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority to approve the testing procedures used.

d) If USEPA amends the federal regulations to allow the use of a new testing method, USEPA has stated that it will incorporate the new method by reference in 40 CFR 260.11 and add it to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in Section 720.111(b).

e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.122 Waste Delisting

a) Any person seeking to exclude a waste from a particular generating facility from the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in subsection (n). The Board will grant the petition if the following occur:

1) The petitioner demonstrates that the waste produced by a particular generating facility does not meet any of the criteria under which the waste was listed as a hazardous or acute hazardous waste; and

2) The Board determines that there is a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that these factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program—Guidance Manual for the Petitioner", incorporated by reference in Section 720.111(a). A waste that is so excluded, however, still may be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

b) Listed Wastes and Mixtures. A person may also petition the Board to exclude from 35 Ill. Adm. Code 721.103(a)(2)(B) or (c), a waste that is described in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code 721, or is derived from a waste listed in that Subpart. This exclusion may only be granted for a particular generating, storage, treatment, or disposal facility. The petitioner must make the same demonstration as required by subsection (a). If the waste is a mixture of a solid waste and one or more listed hazardous wastes or is derived from one or more listed hazardous wastes, the demonstration must be made with respect to the waste mixture as a whole; analyses must be conducted for not only those constituents for which the listed waste contained in the mixture was listed as hazardous, but also for factors (including additional constituents) that could cause the waste mixture to be a hazardous waste. A waste that is so excluded may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

c) Ignitable, Corrosive, Reactive and Toxicity Characteristic Wastes. If the waste is listed in codes "I", "C", "R", or "E" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

1) The petitioner must demonstrate that the waste does not exhibit the relevant characteristic for which the waste was listed, as defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections. The petitioner must also show that the waste does not exhibit any of the other characteristics, defined in those Sections, using any applicable methods prescribed in those Sections; and

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that these factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program—Guidance Manual for the Petitioner", incorporated by reference in Section 720.111(a). A waste that is so excluded, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

d) Toxic Waste. If the waste is listed in code "T" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

1) The petitioner must demonstrate that the waste meets the following:

A) It does not contain the constituent or constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste; or

B) Although containing one or more of the hazardous constituents (as defined in Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list the waste, the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(3) when considering the factors used in 35 Ill. Adm. Code 721.111(a)(3)(A) through (a)(3)(K) under which the waste was listed as hazardous.

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that these factors do not warrant retaining the waste as a hazardous waste.

3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.

4) A waste that is excluded under this subsection (d), however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

e) Acute Hazardous Waste. If the waste is listed with the code "H" in Subpart D of 35 Ill. Adm. Code 721, the following requirements apply:

1) The petitioner must demonstrate that the waste does not meet the criterion of 35 Ill. Adm. Code 721.111(a)(2); and

2) Based on a complete petition, the Board will determine, if it has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be hazardous waste, that these factors do not warrant retaining the waste as a hazardous waste. A Board determination under the preceding sentence must be made by reliance on, and in a manner consistent with, "EPA RCRA Delisting Program—Guidance Manual for the Petitioner", incorporated by reference in Section 720.111(a).

3) The petitioner must demonstrate that the waste does not exhibit any of the characteristics, defined in 35 Ill. Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable methods prescribed in those Sections.

4) A waste that is so excluded under this subsection I, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

h) Demonstration samples must include enough representative samples, but in no case less than four samples, taken over a period sufficient to represent the variability or the uniformity of the waste.

i) Each petition must include, in addition to the information required by subsection (n):

1) The name and address of the laboratory facility performing the sampling or tests of the waste;

2) The names and qualifications of the persons sampling and testing the waste;

3) The dates of sampling and testing;

4) The location of the generating facility;

5) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether these such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

6) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;

7) Pertinent data on and discussion of the factors delineated in the respective criterion for listing a hazardous waste, if the demonstration is based on the factors in 35 Ill. Adm. Code 721.111(a)(3);

8) A description of the methodologies and equipment used to obtain the representative samples;

9) A description of the sample handling and preparation techniques, including techniques used for extracting, containerizing, and preserving the samples;

10) A description of the tests performed (including results);

11) The names and model numbers of the instruments used in performing the tests; and

12) The following statement signed by the generator or the generator's authorized representative:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

j) After receiving a petition, the Board may request any additional information that the Board needs to evaluate the petition.

k) An exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any other facility.

l) The Board will exclude only part of the waste for which the demonstration is submitted if the Board determines that variability of the waste justifies a partial exclusion.
BOARD NOTE: See "EPA RCRA Delisting Program—Guidance Manual for the Petitioner", incorporated by reference in Section 720.111(a).

m) Delisting of specific wastes from specific sources that have been adopted by USEPA may be proposed as State regulations that are identical in substance under Section 720.120(a).

n) Delistings that have not been adopted by USEPA may be proposed to the Board under a petition for adjusted standard under Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g), as applicable to the waste in question. The petition must be clearly labeled as a RCRA delisting adjusted standard petition.

1) In accordance with 35 Ill. Adm. Code 101.304, the petitioner must serve copies of the petition, and any other documents filed with the Board, on USEPA at the following addresses:

USEPA
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

USEPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

2) The Board will mail copies of all opinions and orders to USEPA at the above addresses.

3) In conjunction with the normal updating of the RCRA regulations, the Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of all adjusted standards granted by the Board.

o) The Agency may determine in a permit or a letter directed to a generator that, based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to these regulations. This Agency finding is evidence against the Agency in any subsequent proceedings but will not be conclusive with reference to other persons or the Board.

p) Any petition to delist directed to the Board or request for determination directed to the Agency must include a showing that the waste will be generated or managed in Illinois.

q) The Board will not grant any petition that would render the Illinois RCRA program less stringent than if the decision were made by USEPA.

r) Delistings apply only within Illinois. Generators must comply with 35 Ill. Adm. Code 722 for waste that is hazardous in any state to which it is to be transported.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.123 Petitions for Regulation as Universal Waste

a) Any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of 35 Ill. Adm. Code 733 may petition for a regulatory amendment under this Section, Section 720.120, and Subpart G of 35 Ill. Adm. Code 733.

b) Petition and Demonstration.

1) To be successful, the petitioner must demonstrate that regulation under the universal waste regulations of 35 Ill. Adm. Code 733:

A) Is appropriate for the waste or category of waste;

B) Will improve management practices for the waste or category of waste; and

C) Will improve implementing the hazardous waste program.

2) The petition must include the information required by Section 720.120(b). The petition should also address as many of the factors listed in 35 Ill. Adm. Code 733.181 as are appropriate for the waste or category of waste addressed in the petition.

c) The Board will grant or deny a petition using the factors listed in 35 Ill. Adm. Code 733.181. The decision will be based on the weight of evidence that shows the following regarding regulation under 35 Ill. Adm. Code 733:

1) That it is appropriate for the waste or category of waste;,

2) That it will improve management practices for the waste or category of waste; and

3) That it will improve implementing the hazardous waste program.

d) The Board may request additional information to that provided in 35 Ill. Adm. Code 733.181, as needed to evaluate the merits of the petition.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations

In accordance with the standards and criteria in Sections 720.131 and 720.134 and the procedures in Section 720.133, the Board will determine on a case-by-case basis that the following recycled materials are not solid wastes:

a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in 35 Ill. Adm. Code 721.101(c)(8));

b) Materials that are reclaimed and then reused within the original production process in which they were generated;

c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

d) Hazardous secondary materials that are reclaimed in a continuous industrial process; and

e) Hazardous secondary materials that are indistinguishable in all relevant aspects from a product or intermediate.

(Source: Amended at 43 Ill. Reg. 446, effective December 6, 2018)

Section 720.131 Solid Waste Determinations

a) The Board will determine that those materials that are accumulated speculatively without enough being recycled are not solid wastes if the applicant demonstrates that enough material will be recycled or transferred for recycling in the following year. This Board determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:

1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);

2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

4) The extent to which the material is handled to minimize loss; and

5) Other relevant factors.

b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

2) The extent to which the material is handled before reclamation to minimize loss;

3) The periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

4) The location of the reclamation operation in relation to the production process;

5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

6) Whether the person that generates the material also reclaims it; and

7) Other relevant factors.

c) The Board will determine, as provided in Section 720.133, that those hazardous secondary materials that have been partially reclaimed but must be reclaimed further before recovery is completed are not solid wastes if the partial reclamation has produced a commodity-like material. A determination that a partially-reclaimed material for which the determination is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled, as specified in Section 720.143, and on whether the following decision criteria are satisfied:

1) Whether the degree of partial reclamation the material has undergone is substantial, as demonstrated by using a partial reclamation process other than the process that generated the hazardous secondary material;

2) Whether the partially reclaimed material has sufficient economic value that it will be purchased for further reclamation;

3) Whether the partially reclaimed material is a viable substitute for a product or intermediate produced from virgin or raw materials that is used in subsequent production steps;

4) Whether there is a market for the partially reclaimed material, as demonstrated by known customers who are further reclaiming the material (e.g., records of sales or contracts and evidence of subsequent use, like bills of lading); and

5) Whether the partially reclaimed material is handled to minimize loss.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.132 Boiler Determinations

In accordance with the standards and criteria in Section 720.110 (definition of "boiler"), and the procedures in 720.133, the Board will determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in Section 720.110, after considering the following criteria:

a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases;

b) The extent to which the combustion chamber and energy recovery equipment are of integral design;

c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel;

d) The extent to which exported energy is utilized;

e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids or heated gases; and

f) Other relevant factors.

(Source: Amended at 27 Ill. Reg. 12713, effective July 17, 2003)

Section 720.133 Procedures for Determinations

The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining whether a material is a solid waste, for determining that a hazardous secondary material is managed at a verified facility, for determining whether a particular enclosed flame combustion device is a boiler, or for evaluating an application for a non-waste determination.

a) The application must address the relevant criteria contained in Section 720.131, 720.132, or 720.134, as applicable.

b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the USEPA procedure for review of petitions. This statement maintains structural consistency with USEPA rules.

c) Changed Circumstances.

1) If a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.131, 720.132, or 720.134 upon which a solid waste, verified facility, or non-waste determination has been based, the applicant must submit a description of

the change in circumstances to the Board as a petition for adjusted standard that requests modifying the previously granted solid waste, boiler, or non-waste determination under which the petitioner operates or, in the alternative, a Board order that no such modification is necessary.

2) The Board will do the following:

A) determine, based on the record, whether the hazardous secondary material continues to meet the relevant criteria that justify exclusion from definition as solid waste; and

B) issue an appropriate order granting or denying the petition.

d) A solid waste, verified facility, boiler, or non-waste determination is effective for a fixed term not to exceed 10 years, except as provided in this subsection (d). No later than six months prior to the end of this term, facilities must re-apply for a solid waste, verified facility, boiler, or non-waste determination. If a facility owner or operator re-applies for a solid waste, verified facility, boiler, or non-waste determination no later than six months prior to expiration of a solid waste, verified facility, boiler, or non-waste determination, the facility may continue to operate under an expired solid waste, boiler, or non-waste determination until receiving a decision on the re-application from the Board.

e) A facility that receives a solid waste, boiler, or non-waste determination must provide notification, as required by Section 720.142.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.134 Non-Waste Determinations

a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board under this Section, Section 720.133 and Section 28.2 of the Act for an adjusted standard that is a formal determination that a hazardous secondary material is not discarded and therefore is not a solid waste. The Board's adjusted standard determination will be based on the criteria contained in either subsection (b) or (c), as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination or verified facility determination under Section 720.131 or an exclusion. A determination made by the Board under this Section becomes effective upon occurrence of the first of the following two events:

1) After USEPA has authorized Illinois to administer this segment of the hazardous waste regulations, the determination is effective upon issuance of the Board order that grants the non-waste determination; or

2) Before USEPA has granted authorization, the non-waste determination becomes effective upon fulfillment of the following conditions:

A) The Board has granted an adjusted standard that determines that the hazardous secondary material meets the criteria in either subsection (b) or (c), as applicable;

B) The Agency has requested that USEPA review the Board's non-waste determination; and

C) USEPA has approved the Board's non-waste determination.

b) The Board will grant a non-waste determination for hazardous secondary material that is reclaimed in a continuous industrial process if the Board determines that the applicant has demonstrated that the hazardous secondary material is a part of the production process and the material is not discarded. The determination will be based on whether the hazardous secondary material is legitimately recycled, as determined under Section 720.143, and on the following criteria:

1) The extent to which the management of the hazardous secondary material is part of the continuous primary production process and is not waste treatment;

2) Whether the capacity of the production process would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);

3) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and

4) Other relevant factors that demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

c) The Board will grant a non-waste determination for a hazardous secondary material that is indistinguishable in all relevant aspects from a product or intermediate if the petitioner demonstrates that the hazardous secondary material is comparable to a product or intermediate and is not discarded. The Board's determination will be based on whether the hazardous secondary material is

legitimately recycled, as determined under Section 720.143, and on the following criteria:

1) Whether market participants treat the hazardous secondary material as a product or intermediate, rather than as a waste (for example, based on the current positive value of the hazardous secondary material, stability of demand, or any contractual arrangements);

2) Whether the chemical and physical identity of the hazardous secondary material is comparable to commercial products or intermediates;

3) Whether the capacity of the market would use the hazardous secondary material in a reasonable time frame and ensure that the hazardous secondary material will not be abandoned (for example, based on past practices, market factors, the nature of the hazardous secondary material, or any contractual arrangements);

4) Whether the hazardous constituents in the hazardous secondary material are reclaimed, rather than released to the air, water, or land, at significantly higher levels, from either a statistical or from a health and environmental risk perspective, than would otherwise be released by the production process; and

5) Other relevant factors that demonstrate that the hazardous secondary material is not discarded, including why the hazardous secondary material cannot meet, or should not have to meet, the conditions of an exclusion under 35 Ill. Adm. Code 721.102 or 721.104.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis

a) The Agency may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2)(C) should be regulated under 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the Agency must consider the following factors:

1) The types and amounts of materials accumulated or stored;

2) The method of accumulation or storage;

3) The length of time the materials have been accumulated or stored before being reclaimed;

4) Whether any contaminants are being released into the environment, or are likely to be so released; and

5) Other relevant factors.

b) The procedures for this decision are provided in Section 720.141.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities

The Agency must use the following procedures when determining whether to regulate hazardous waste recycling activities described in 35 Ill. Adm. Code 721.106(a)(2)(C) under the provisions of 35 Ill. Adm. Code 721.106(b) and (c) rather than under the provisions of Subpart F of 35 Ill. Adm. Code 726.

a) If a generator is accumulating the waste, the Agency must issue a notice stating the factual basis for the decision and stating that the person must comply with the applicable requirements of Subparts A, C, D and E of 35 Ill. Adm. Code 722. The notice will become final within 30 days unless the person served requests a public hearing to challenge the decision. Upon receiving a request, the Agency must hold a public hearing. The Agency must provide notice of the hearing to the public and allow public participation at the hearing. The Agency must issue a final written memorandum of decision after the hearing stating whether complying with 35 Ill. Adm. Code 722 is required, and stating the reasons for the Agency's decision, including all findings of fact and conclusions of law. The memorandum of decision will constitute a final administrative action and may be appealed to the Board. The decision becomes effective 35 days after service of the decision unless the Agency specifies a later date or unless an appeal has been filed with the Board. The decision may be appealed to the Board by any person who participated in the hearing. Proceedings before the Board must be according to the rules in 35 Ill. Adm. Code 105.

b) If the person is accumulating the recyclable material as a storage facility, the notice must state that the person must obtain a permit in accordance with all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705. The owner or operator of the facility must apply for a permit within no less than 60 days and no more than six months after notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the Agency's decision, it may do so in its permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact

sheet accompanying the permit will specify the reasons for the Agency's determination. The question of whether the Agency's decision was proper will remain open for consideration during the public comment period discussed under Subparts D and E of 35 Ill. Adm. Code 705, and in any subsequent hearing.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A facility that manages hazardous secondary materials that are excluded from regulation under 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) must send a notification to the Agency, Bureau of Land. The notification must occur prior to operating under the regulatory provision and before March 1 of every even-numbered calendar year thereafter using a copy of Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). The notification must include the following information:

1) The name, address, and USEPA identification number (if applicable) of the facility;

2) The name and telephone number of a contact person for the facility;

3) The NAICS code of the facility; Determined using the "North American Industry Classification System", incorporated by reference in Section 720.111.

4) The regulation under which the facility will manage the hazardous secondary materials;

5) For reclaimers and intermediate facilities managing hazardous secondary materials under 35 Ill. Adm. Code 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);

6) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;

7) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);

8) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;

9) The quantity of each hazardous secondary material to be managed annually; and

10) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.

b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in compliance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12. For this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

a) Recycling of hazardous secondary materials for the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address this subsection (a) and must consider subsection (b).

1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:

A) The material contributes valuable ingredients to a product or intermediate;

B) The material replaces a catalyst or carrier in the recycling process;

C) The material is the source of a valuable constituent recovered in the recycling process;

D) The material is recovered or regenerated by the recycling process; or

E) The material is used as an effective substitute for a commercial product.

2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:

A) The product or intermediate is sold to a third party; or

B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. If there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. If there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and that are not recovered immediately are discarded material.

b) The following factor must be considered in determining the overall legitimacy of a specific recycling activity.

1) The product of the recycling process fulfills the following criteria:

A) The product must not contain significant concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are not found in analogous products;

B) The product must not contain concentrations of hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 at levels that are significantly elevated from those found in analogous products; and

C) The product must not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit.

2) In determining that a hazardous secondary material is legitimately recycled, persons must evaluate all factors and consider legitimacy as a whole. If, after carefully evaluating these considerations, the factor in this subsection (b) is not met, then this fact may indicate that the material is not legitimately recycled. However, the factor in this subsection (b) does

not have to be met for the recycling to be considered legitimate. In evaluating the extent to which this factor is met and in determining whether a process that does not meet this factor is still legitimate, persons can consider exposure from toxics in the product, the bioavailability of the toxics in the product and other relevant considerations.

(Source: Amended at 48 Ill. Reg. 9723, effective June 20, 2024)

Section 720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations (Repealed)

(Source: Repealed at 35 Ill. Reg. 17672, effective October 14, 2011)

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

PART 721
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721.104 Exclusions
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721.106 Requirements for Recyclable Materials
721.107 Residues of Hazardous Waste in Empty Containers
721.108 PCB Wastes Regulated under TSCA
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721.121 Characteristic of Ignitability
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SUBPART D: LISTS OF HAZARDOUS WASTE

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SUBPART E: EXCLUSIONS AND EXEMPTIONS

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721.241 Definitions of Terms as Used in This Subpart
721.242 Cost Estimate
721.243 Financial Assurance Condition
721.247 Liability Requirements
721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
721.249 Use of State-Required Mechanisms
721.250 State Assumption of Responsibility
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721.270 Applicability
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721.277 Special Requirements for Incompatible Materials
721.279 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
721.290 Applicability
721.291 Assessment of Existing Tank System’s Integrity
721.293 Containment and Detection of Releases
721.294 General Operating Requirements
721.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

721.297 Termination of Remanufacturing Exclusion
721.298 Special Requirements for Ignitable or Reactive Materials
721.299 Special Requirements for Incompatible Materials
721.300 Air Emission Standards

SUBPART M: EMERGENCY PREPAREDNESS AND RESPONSE FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section
721.500 Applicability
721.510 Preparedness and Prevention
721.511 Emergency Procedures for Facilities Generating or Accumulating 6,000 kg or Less of Hazardous Secondary Material
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Section
721.930 Applicability
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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
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721.957 Standards: Valves in gas/Vapor Service or in Light Liquid Service
721.958 Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors
721.959 Standards: Delay of Repair
721.960 Standards: Closed-Vent Systems and Control Devices
721.961 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak
721.962 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair
721.963 Test Methods and Procedures

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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section

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721.TABLE A Analytical Characteristics of Organic Chemicals (Repealed)
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721.APPENDIX G Basis for Listing Hazardous Wastes
721.APPENDIX H Hazardous Constituents
721.APPENDIX I Wastes Excluded by Administrative Action
721.TABLE A Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
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721.TABLE C Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
721.TABLE D Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)
721.APPENDIX Z Table to Section 721.102: Recycled Materials that Are Solid Waste

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 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, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21673, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 496, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5884, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15142, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg.

9827, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16813, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11375, effective August 27, 2025; amended in R25-23 at 49 Ill. Reg. 12715, effective September 23, 2025.

SUBPART A: GENERAL PROVISIONS

Section 721.101 Purpose and Scope

a) This Part identifies those solid wastes that are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, and 722 through 728, and that are subject to the notification requirements of Section 3010 of RCRA (42 USC 6930). In this Part:

1) Subpart A defines the terms "solid waste" and "hazardous waste", identifies those wastes that are excluded from regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728, and establishes special management requirements for hazardous waste that is recycled.

2) Subpart B specifies the criteria used to identify characteristics of hazardous waste and to list hazardous wastes.

3) Subpart C identifies characteristics of hazardous wastes.

4) Subpart D lists particular hazardous wastes.

b) Limitations on Definition of Solid Waste

1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for the regulations implementing Subtitle C of RCRA. For example, it does not apply to materials (like non-hazardous scrap, paper, textiles, or rubber) that are not otherwise hazardous wastes and that are recycled.

2) This Part identifies only some of the materials that are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material that is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste under those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.

c) For Sections 721.102 and 721.106, the following definitions apply:

1) A "spent material" is any material that has been used and because of contamination can no longer serve the purpose for which it was produced without processing.

2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.

3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues like slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovering lead values from spent batteries and regenerating spent solvents. In addition, for Section 721.104(a)(23) and (a)(24) smelting, melting, and refining furnaces are considered to be solely engaged in metals reclamation if the metal recovery from the hazardous secondary materials meets the same requirements as those specified for metals recovery from hazardous waste in 35 Ill. Adm. Code 726.200(d)(1) through (d)(3), and if the residuals meet the requirements specified in 35 Ill. Adm. Code 726.212.

5) A material is "used or reused" if:

   A) It is employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not meet this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

   B) It is employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).

6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, or wire) or metal pieces that may be combined with bolts or soldering (e.g., radiators, scrap automobiles, or railroad box cars) that when worn or superfluous can be recycled.

7) A material is "recycled" if it is used, reused, or reclaimed.

8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is

recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under Section 721.104(c) are not to be included in making the calculation. Materials that are already defined as solid wastes also are not to be included in making the calculation. Materials are no longer in this category once they are removed from accumulation for recycling, however.

BOARD NOTE: Various segments of this Part and 35 Ill. Adm. Code 720 use the verbal phrase "accumulated speculatively" and the noun phrase "speculative accumulation". Some of those segments rely on this subsection (c)(8) definition of "speculatively accumulated" for defining "speculative accumulation". The Board infers that USEPA intends that the verb phrase define the noun phrase: material that is accumulated speculatively is the subject of speculative accumulation.

9) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

10) "Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted) and fines, drosses, and related materials that have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (Section 721.104(a)(14)).

11) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries, like turnings, cuttings, punchings, and borings.

12) "Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries, and it includes scrap metal like turnings, cuttings, punchings, and borings. Prompt scrap metal is also known as industrial or new scrap metal.

d) The Agency has inspection authority under Section 3007 of RCRA and Section 4 of the Act.

e) Electronic reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (e) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2017).

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.102 Definition of Solid Waste

a) Solid Waste

1) A solid waste is any discarded material that is not excluded pursuant to Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131 or 35 Ill. Adm. Code 720.130 and 720.134.

2) Discarded Material

A) A discarded material is any material that is described as follows:

i) It is abandoned, as described in subsection (b);

ii) It is recycled, as described in subsection (c);

iii) It is considered inherently waste-like, as described in subsection (d); or

iv) It is a military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.

B) This subsection (a)(2)(B) corresponds with 40 CFR 261.2(a)(2)(ii), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.

b) A material is a solid waste if it is abandoned in one of the following ways:

1) It is disposed of;

2) It is burned or incinerated;

3) It is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated; or

4) Sham recycled, as explained in subsection (g).

c) A material is a solid waste if it is recycled—or accumulated, stored, or treated before recycling—as specified in subsections (c)(1) through (c)(4), if one of the following occurs with regard to the material:

1) The material is used in a manner constituting disposal.

A) A material that is noted with a "yes" in column 1 of the table in Appendix Z is a solid waste when one of the following occurs:

i) The material is applied to or placed on the land in a manner that constitutes disposal; or

ii) The material is used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is applied to the land and that is its ordinary manner of use.

2) The material is burned for energy recovery.

A) A material that is noted with a "yes" in column 2 of the table in Appendix Z is a solid waste when one of the following occurs:

i) It is burned to recover energy;

ii) It is used to produce a fuel or is otherwise contained in fuels (in which case the fuel itself remains a solid waste);

iii) It is contained in fuels (in which case the fuel itself remains a solid waste).

B) However, a commercial chemical product that is listed in Section 721.133 is not a solid waste if it is itself a fuel.

3) Reclaimed. A material noted with a "No" in column 3 of the table in Appendix Z is not a solid waste when reclaimed (except as provided under Section 721.104(a)(17)). A material noted with a "Yes" in column 3 of

Appendix Z is a solid waste when reclaimed, unless it meets the requirements of Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27).

4) Accumulated Speculatively. A material noted with "yes" in column 4 of the table in Appendix Z is a solid waste when accumulated speculatively.

d) Inherently Waste-Like Materials. The following materials are solid wastes when they are recycled in any manner:

1) USEPA hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

2) A secondary material fed to a halogen acid furnace that exhibits a characteristic of a hazardous waste or which is listed as a hazardous waste, as defined in Subpart C or D, except for brominated material that meets the following criteria:

A) The material must contain a bromine concentration of at least 45 percent;

B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H; and

C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

3) The following criteria are used to add wastes to the list:

A) Disposal Method or Toxicity

i) The material is ordinarily disposed of, burned, or incinerated; or

ii) The material contains toxic constituents listed in Appendix H and these constituents are not ordinarily found in raw materials or products for which the material substitutes (or are found in raw materials or products in smaller concentrations) and is not used or reused during the recycling process; and

B) The material may pose a substantial hazard to human health and the environment when recycled.

e) Materials That Are Not Solid Waste When Recycled

1) A material is not a solid waste when it can be shown to be recycled by fulfilling one of the following conditions:

A) It is used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed; or

B) It is used or reused as effective substitutes for commercial products; or

C) It is returned to the original process from which it is generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the material must be managed in such a manner that there is no placement on the land. In cases where the material is generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(17) apply rather than this provision.

2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C)):

A) A material used in a manner constituting disposal or used to produce a product that is applied to the land; or

B) A material burned for energy recovery, used to produce a fuel, or contained in fuels; or

C) A material accumulated speculatively; or

D) A material listed in subsections (d)(1) and (d)(2).

f) Documentation of Claims That a material is Not a Solid Waste or is Conditionally Exempt from Regulation. A respondent in an action to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raises a claim that a certain material is not a solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that the material meets the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, an owner or operator of a facility claiming that it actually is recycling a material must show that it has the necessary equipment to recycle that material.

g) Sham Recycling. A hazardous secondary material found to be sham recycled is considered discarded and a solid waste. Sham recycling is recycling that is not legitimate recycling, as defined in 35 Ill. Adm. Code 720.143.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if the following is true of the waste:

1) It is not excluded from regulation as a hazardous waste pursuant to Section 721.104(b); and

2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in Subpart C. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded pursuant to Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste pursuant to Subpart C is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in Subpart D and has not been excluded from the lists in Subpart D pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

C) This subsection (a)(2)(B) corresponds with 40 CFR 261.3(a)(2)(iii), which USEPA removed and marked as "reserved" at 66 Fed. Reg. 27266 (May 16, 2001). This statement maintains structural consistency with the federal regulations.

D) It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this subsection (a)(2) pursuant to 35 Ill. Adm. Code 720.120 and 720.122 or subsection (g) or (h); however, the following mixtures of solid

wastes and hazardous wastes listed in Subpart D are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B)) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and the following is true of the waste:

i) It is one or more of the following solvents listed in Section 721.131: benzene, carbon tetrachloride, tetrachloro-ethylene, trichloroethylene or the scrubber waters derived from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(i) or that the plan parameters would not enable the facility to calculate the

weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

ii) It is one or more of the following spent solvents listed in Section 721.131: methylene chloride, 1,1,1-trichloro-ethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2- ethoxyethanol, or the scrubber waters derived-from the combustion of these spent solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(ii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the

sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected;

iii) It is one of the following wastes listed in Section 721.132, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste number K050), crude oil storage tank sediment from petroleum refining operations (USEPA hazardous waste number K169), clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations (USEPA hazardous waste number K170), spent hydrotreating catalyst (USEPA hazardous waste number K171), and spent hydrorefining catalyst (USEPA hazardous waste number K172);

iv) It is a discarded hazardous waste, commercial chemical product or chemical intermediate listed in Section 721.121, 721.132, or 721.133 arising from de minimis losses of these materials. For purposes of this subsection (a)(2)(D)(iv), "de minimis" losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of a waste listed in Section 721.131 or 721.132, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in Subpart D, must either have eliminated the discharge of wastewaters or have included in its federal Clean Water Act (33 USC 1251 et seq.) permit application or wastewater pretreatment submission to the Agency or the wastewater pretreatment Control Authority pursuant to 35 Ill. Adm. Code 307 of the constituents for which each waste was listed (in Appendix

G); and the constituents in Table T to 35 Ill. Adm. Code 728 for which each waste has a treatment standard (*i.e.*, land disposal restriction constituents). A facility is eligible to claim the exemption once the Agency or Control Authority has been notified of possible de minimis releases via the Clean Water Act permit application or the wastewater pretreatment submission. A copy of the Clean Water Act permit application or the wastewater pretreatment submission must be placed in the facility's on-site files;

v) It is wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;

vi) It is one or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K157), provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised

sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vi) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

vii) It is wastewater derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at a facility that is subject to regulation under the federal Clean Air Act new source performance standards or national emission standards for hazardous air pollutants of 40 CFR 60, 61, or 63 or at a facility that is subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. A facility that chooses to measure concentration levels must file a copy of its sampling and analysis plan with the Agency. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology,

and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the Agency. The Agency must reject the sampling and analysis plan if it determines that the sampling and analysis plan fails to include the information required by this subsection (a)(2)(D)(vii) or that the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the Agency rejects the sampling and analysis plan, or if the Agency determines that the facility is not following the sampling and analysis plan, the Agency must notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H).

i) The rebuttable presumption does not apply to a metalworking oil or fluid containing chlorinated paraffins if it is processed through a tolling arrangement, as described in 35 Ill. Adm. Code 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to a metalworking oil or fluid if such an oil or fluid is recycled in any other manner, or disposed of.

ii) The rebuttable presumption does not apply to a used oil contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to a used oil contaminated with CFCs that have been mixed with used oil from a source other than a refrigeration unit.

b) A solid waste that is not excluded from regulation pursuant to subsection (a)(1) becomes a hazardous waste when any of the following events occur:

1) In the case of a waste listed in Subpart D, when the waste first meets the listing description set forth in Subpart D.

2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in Subpart D is first added to the solid waste.

3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in Subpart C.

c) Unless and until it meets the criteria of subsection (e), a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection (c) corresponds with 40 CFR 261.3(c)(1) (2017). The Board has codified 40 CFR 261.3(c)(2) at subsection (e).

d) Any solid waste described in subsection (e) is not a hazardous waste if it meets the following criteria:

1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in Subpart C. (However, wastes that exhibit a characteristic at the point of generation may still be subject to 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)

2) In the case of a waste that is a listed waste pursuant to Subpart D, a waste that contains a waste listed pursuant to Subpart D, or a waste that is derived from a waste listed in Subpart D, it also has been excluded from subsection (e) pursuant to 35 Ill. Adm. Code 720.120 and 720.122.

e) Specific Inclusions and Exclusions

1) Except as otherwise provided in subsection (e)(2), (g), or (h), any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

B) Wastes from burning any of the materials exempted from regulation by Section 721.106(a)(3)(C) and (a)(3)(D).

C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection (e)(2) that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection (e)(2)(C) for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces); and other furnaces designated by the Agency pursuant to that definition.

i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are the following:

Generic exclusion levels for K061 and K062 nonwastewater HTMR residues:

Constituent	Maximum for any single composite sample (mg/ℓ)
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16

Silver	0.30
Thallium	0.020
Vanadium	1.26
Zinc	70

Generic exclusion levels for F006 nonwastewater HTMR residues:

Constituent	Maximum for any single composite sample (mg/ℓ)
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement federal 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents, which do not exhibit any characteristics, and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the non-hazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation.

The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K156) and wastewaters from the production of carbamates and carbamoyl oximes (USEPA hazardous waste number K157).

E) Catalyst inert support media separated from one of the following wastes listed in Section 721.132: spent hydrotreating catalyst (USEPA hazardous waste number K171) and spent hydrorefining catalyst (USEPA hazardous waste number K172).

BOARD NOTE: This subsection (e) would normally correspond with 40 CFR 261.3(e), a subsection that has been deleted and marked "reserved" by USEPA. Rather, this subsection (e) corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and to enhance clarity.

f) Notwithstanding subsections (a) through (e) and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at Subpart C, the following materials are not subject to regulation under 35 Ill. Adm. Code 702, 703, 720, 721 to 726, or 728:

1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in Table F to 35 Ill. Adm. Code 728; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

2) Debris, as defined in 35 Ill. Adm. Code 728.102, that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

g) Exclusion of certain wastes listed in Subpart D solely because they exhibit a characteristic of ignitability, corrosivity, or reactivity.

1) A hazardous waste that is listed in Subpart D solely because it exhibits one or more characteristics of ignitability, as defined under Section 721.121; corrosivity, as defined under Section 721.122; or reactivity, as defined under Section 721.123 is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in Subpart C.

2) The exclusion described in subsection (g)(1) also pertains to the following:

A) Any mixture of a solid waste and a hazardous waste listed in Subpart D solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D); and

B) Any solid waste generated from treating, storing, or disposing of a hazardous waste listed in Subpart D solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (e)(1).

3) Wastes excluded pursuant to this subsection (g) are subject to 35 Ill. Adm. Code 728 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

4) Any mixture of a solid waste excluded from regulation in Section 721.104(b)(7) and a hazardous waste listed in Subpart D solely because the listed hazardous waste exhibits one or more of the characteristics of ignitability, corrosivity, or reactivity, as regulated under subsection (a)(2)(D), is not a hazardous waste if the mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C for which USEPA listed the hazardous waste listed in Subpart D.

h) Eligible Radioactive Mixed Waste

1) Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of Subpart N of 35 Ill. Adm. Code 726 (i.e., it is “eligible radioactive mixed waste”).

2) The exemption described in subsection (h)(1) also pertains to the following:

A) Any mixture of a solid waste and an eligible radioactive mixed waste; and

B) Any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.

3) Waste exempted pursuant to this subsection (h) must meet the eligibility criteria and specified conditions in 35 Ill. Adm. Code 726.325 and 726.330 (for storage and treatment) and in 35 Ill. Adm. Code 726.410 and 726.415 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.104 Exclusions

a) Materials That Are Not Solid Wastes. The following materials are not solid wastes for this Part:

1) Sewage.

A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and

B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment, except as prohibited by 35 Ill. Adm. Code 726.605 and 40 CFR 403.5(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency under Section 12(f) of the Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

3) Irrigation return flows.

4) Source, by-product, or special nuclear material, as defined by Section 11 of the Atomic Energy Act of 1954, as amended (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.

6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively, as defined in Section 721.101(c).

7) Spent sulfuric acid used to produce virgin sulfuric acid, provided it is not accumulated speculatively, as defined in Section 721.101(c).

8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated, if they are reused in the production process, provided that the following is true:

A) Only tank storage is involved, and the entire process through completing reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

B) Reclamation does not involve controlled flame combustion (like that occurring in boilers, industrial furnaces, or incinerators);

C) The secondary materials are never accumulated in tanks for over 12 months without being reclaimed; and

D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

9) Wood preserving wastes.

A) Spent wood preserving solutions that have been used and that are reclaimed and reused for their original intended purpose;

B) Wastewaters from the wood preserving process that have been reclaimed and that are reused to treat wood; and

C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B), so long as they meet the following conditions:

i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water-borne plants in the production process for their original intended purpose;

ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in Subpart W of 35 Ill. Adm. Code 725, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

v) Prior to operating under this exclusion, the plant owner or operator prepares a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies only so long as the plant meets the conditions under subsection (a)(9)(C). If the plant does not comply with any condition, it may apply to the Agency for reinstatement of the exclusion. The Agency must reinstate the exclusion in writing if it finds that the plant has returned to complying with all conditions and that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, grant the reinstatement with conditions, or terminate a reinstatement before the Board under Section 40 of the Act.

10) USEPA hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of USEPA hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:

A) Oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC) code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)), unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), if the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B), oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), if the materials as generated would have otherwise met a listing under Subpart D, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A). Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled if they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) This subsection (a)(16) corresponds with 40 CFR 261.4(a)(16), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

17) Spent materials (as defined in Section 721.101) (other than hazardous wastes listed in Subpart D) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, if :

A) The spent material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;

B) The spent material is not accumulated speculatively;

C) Except as provided in subsection (a)(17)(D), the spent material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof that are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors if the spent material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate that may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

D) The Agency must allow by permit in writing that solid mineral processing spent materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the spent material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency must also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the spent material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material; they must be capable of withstanding physical stresses associated with placement and removal; they must have run-on and run-off controls; they must be operated in a manner that controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(17)(D), the Agency must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See Subpart D of 35 Ill. Adm. Code 703 for the RCRA Subtitle C permit public notice requirements.

E) The owner or operator provides a notice to the Agency, providing the following information: the types of materials to be recycled,

the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For subsection (b)(7), mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, if the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, if:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste number D018); and

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which the: primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively, as defined in Section 721.101(c).

20) Hazardous secondary materials used to make zinc fertilizers, if that the following conditions are met:

A) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in Section 721.101(c)(8).

B) A generator or intermediate handler of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:

i) Submit a one-time notice to the Agency that contains the name, address, and USEPA identification number of the generator or intermediate handler facility, that provides a brief description of the secondary material that will be subject to the exclusion, and that identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

ii) Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and it must have a floor, walls, and a roof that prevent wind dispersal and contact with rainwater. A tank used for this purpose must be structurally sound and, if outdoors, it must have a roof or cover that prevents contact with wind and rain. A container used for this purpose must be kept closed, except when it is necessary to add or remove material, and it must be in sound condition. Containers that are stored outdoors must be managed within storage areas that meet the conditions of subsection (a)(20)(F).

iii) With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of this subsection (a)(20).

iv) Maintain records at the generator's or intermediate handler's facility, for at least three years, of all shipments of excluded hazardous secondary materials. For each shipment these records must, at a minimum, contain the information specified in subsection (a)(20)(G).

C) A manufacturer of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:

i) Store excluded hazardous secondary materials in compliance with the storage requirements for generators and intermediate handlers, as specified in subsection (a)(20)(B)(ii).

ii) Submit a one-time notification to the Agency that, at a minimum, specifies the name, address, and USEPA identification number of the manufacturing facility and that identifies when the manufacturer intends to begin managing excluded zinc-bearing hazardous secondary materials under the conditions specified in this subsection (a)(20).

iii) Maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, the name of transporter, and the date on which the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

iv) Submit an annual report to the Agency that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial processes from which the hazardous secondary materials were generated.

D) Nothing in this Section preempts, overrides, or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person who generates a solid waste to determine if that waste is a hazardous waste.

E) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to submitting the one-time notice described in subsection (a)(20)(B)(i), and that afterward will be used only to store hazardous secondary materials excluded under this subsection (a)(20), are not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725.

F) Storage areas where containers are stored outdoors under subsection (a)(20)(B)(ii), must:

i) Have containment structures or systems sufficiently impervious to contain leaks, spills, and accumulated precipitation;

ii) Provide for effective drainage and removal of leaks, spills, and accumulated precipitation; and

iii) Prevent run-on into the containment system.

BOARD NOTE: Subsections (a)(20)(F)(i) through (a)(20)(F)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(B)(1) through (a)(20)(ii)(B)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(F) to comport with Illinois Administrative Code codification requirements.

G) Required records of shipments of excluded hazardous secondary materials under subsection (a)(20)(B)(iv) must, at a minimum, contain the following information:

i) The name of the transporter and date of the shipment;

ii) The name and address of the facility that received the excluded material, along with documentation confirming receipt of the shipment; and

iii) The type and quantity of excluded secondary material in each shipment.

BOARD NOTE: Subsections (a)(20)(G)(i) through (a)(20)(G)(iii) are derived from 40 CFR 261.4(a)(20)(ii)(D)(1) through (a)(20)(ii)(D)(3). The Board added the preamble to these federal paragraphs as subsection (a)(20)(G) to comport with Illinois Administrative Code codification requirements.

21) Zinc fertilizers made from hazardous wastes or hazardous secondary materials that are excluded under subsection (a)(20), if:

A) The fertilizers meet the following contaminant limits:

i) For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8

ii) For dioxin contaminants, the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

B) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals at least once every six months, and for dioxins at least once every 12 months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that a constituent of concern is not present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the products introduced into commerce.

C) The manufacturer maintains, for at least three years, records of all sampling and analyses performed for determining compliance with subsection (a)(21)(B). The records must at a minimum include the following:

i) The dates and times product samples were taken, and the dates the samples were analyzed;

ii) The names and qualifications of the persons taking the samples;

iii) A description of the methods and equipment used to take the samples;

iv) The name and address of the laboratory facility at which analyses of the samples were performed;

v) A description of the analytical methods used, including any cleanup and sample preparation methods; and

vi) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (a)(21).

22) Used CRTs

A) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste within the United States, unless they are disposed of or speculatively accumulated, as defined in Section 721.101(c)(8), by a CRT collector or glass processor.

B) Used, intact CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste when exported for recycling if they comply with Section 721.140.

C) Used, broken CRTs, as defined in 35 Ill. Adm. Code 720.110, are not solid waste if they comply with the requirements of Section 721.139.

D) Glass removed from CRTs is not a solid waste if it complies with the requirements of Section 721.139(c).

23) Hazardous Secondary Materials Reclaimed under the Control of the Generator. Hazardous secondary material generated and legitimately reclaimed within the United States or its territories and under the control of the generator, if the material complies with subsections (a)(23)(A) and (a)(23)(B):

A) Excluded Hazardous Secondary Materials

i) The hazardous secondary material is generated and reclaimed at the generating facility. (For this subsection (a)(23)(A)(i), "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.);

ii) The hazardous secondary material is generated and reclaimed at different facilities, if the reclaiming facility is controlled by the generator or if both the generating facility and the reclaiming facility are controlled by a person as defined in 35 Ill. Adm. Code 720.110, and if the generator provides one of the following certifications:

"On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], which is controlled by [insert generator facility name] and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

or

> "On behalf of [insert generator facility name], I certify that this facility will send the indicated hazardous secondary material to [insert reclaimer facility name], that both facilities are under common control, and that [insert name of either facility] has acknowledged full responsibility for the safe management of the hazardous secondary material."

For subsection (a)(23)(A)(ii), "control" means the power to direct the policies of the facility, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate facilities on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" such facilities. The generating and receiving facilities must both maintain at their facilities, for no less than three years, records of hazardous secondary materials sent or received under this exclusion. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the exclusion. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations); or

iii) The hazardous secondary material is generated under a written contract between a tolling contractor and a toll manufacturer and is reclaimed by the tolling contractor, if the tolling contractor certifies as follows:

> "On behalf of [insert tolling contractor name], I certify that [insert tolling contractor name] has a written contract with [insert toll manufacturer name] to manufacture [insert name of product or intermediate] which is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous secondary materials generated during this manufacture. On behalf of [insert tolling contractor name], I also certify that [insert tolling contractor name] retains ownership of, and responsibility for, the hazardous secondary materials that are generated during the course of the manufacture, including any releases of hazardous

secondary materials that occur during the manufacturing process."

The tolling contractor must maintain at its facility, for at least three years, records of hazardous secondary materials received under its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility, for no less than three years, records of hazardous secondary materials shipped under its written contract with the tolling contractor. In both cases, the records must contain the name of the transporter, the date of the shipment, and the type and quantity of the hazardous secondary material shipped or received under the written contract. These requirements may be satisfied by routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations). For this subsection (a)(23)(A)(ii), "tolling contractor" means a person who arranges for producing a product or intermediate made from specified unused materials through a written contract with a toll manufacturer. "Toll manufacturer" means a person who produces a product or intermediate made from specified unused materials under a written contract with a tolling contractor.

B) Management of Hazardous Secondary Materials

i) The hazardous secondary material is contained, as defined in 35 Ill. Adm. Code 720.110. A hazardous secondary material released to the environment is discarded material and a solid waste unless it is immediately recovered for reclamation. Hazardous secondary material managed in a unit with leaks or other continuing or intermittent unpermitted releases is discarded material and a solid waste;

ii) The hazardous secondary material is not speculatively accumulated, as defined in Section 721.101(c)(8);

iii) Notice is provided, as required by 35 Ill. Adm. Code 720.142;

iv) The hazardous secondary material is not otherwise subject to material-specific management conditions under subsection (a) when reclaimed, and it is not a spent lead acid battery (see 35 Ill. Adm. Code 726.180 and 733.102);

v) Persons performing the recycling of hazardous secondary materials under this exclusion must maintain documentation of their legitimacy determination on-site. Documentation must be a written description of how the recycling meets all three factors in 35 Ill. Adm. Code 720.143(a) and how the factor in 35 Ill. Adm. Code 720.143(b) was considered. Documentation must be maintained for three years after the recycling operation has ceased; and

vi) The emergency preparedness and response requirements found in Subpart M are met.

24) Hazardous Secondary Materials Transferred for Off-Site Reclamation. Hazardous secondary material that is generated and then transferred to another person for reclamation is not a solid waste if the management of the material meets the conditions of subsections (a)(24)(A) through (a)(24)(G):

A) The hazardous secondary material must not be speculatively accumulated, as defined in Section 721.101(c)(8).

B) No person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility, or a reclaimer manages the material; the hazardous secondary material must not be stored for more than ten days at a transfer facility, as defined in Section 721.110; and the hazardous secondary material must be packaged according to applicable USDOT regulations codified as 49 CFR 173, 178, and 179, incorporated by reference in 35 Ill. Adm. Code 720.111, while in transport.

C) The hazardous secondary material must not otherwise be subject to material-specific management conditions under other provisions of this subsection (a) when reclaimed, and the hazardous secondary material must not be a spent lead-acid battery (see 35 Ill. Adm. Code 726.180 and 733.102).

D) Reclaiming the hazardous secondary material must be legitimate, as determined under 35 Ill. Adm. Code 720.143.

E) The hazardous secondary material generator must meet each of the following conditions:

i) The hazardous secondary material must be contained as defined in 35 Ill. Adm. Code 720.110. A hazardous

secondary material released to the environment is discarded and a solid waste unless it is immediately recovered for recycling. Hazardous secondary material managed in a unit that leaks or that otherwise continuously releases hazardous secondary material is discarded material and a solid waste.

ii) Prior to arranging for transport of hazardous secondary materials to a reclamation facility where the hazardous secondary material is managed in a unit that is not subject to a RCRA permit or interim status standards, the hazardous secondary material generator must make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will pass through an intermediate facility where the hazardous secondary materials is managed at that facility in a unit that is not subject to a RCRA permit or interim status standards, the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of every three years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, or provided by a third party. The hazardous secondary material generator must affirmatively answer the questions in subsection (a)(24)(H) for each reclamation facility and any intermediate facility.
BOARD NOTE: The Board moved the required generator inquiries of 40 CFR 261.4(a)(24)(v)(B)(*1*) through (a)(24)(v)(B)(*5*) to subsection (a)(24)(H) to comply with codification requirements.

iii) The hazardous secondary material generator must maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the facility manages the hazardous secondary materials in a unit that is not subject to a RCRA permit or interim status standards prior to transferring hazardous secondary material. Documentation and certification must be made available upon request by USEPA or the Agency within 72 hours, or within a longer period as specified by USEPA or the Agency. The certification statement must include the printed name and official title of an authorized representative of the hazardous secondary material generator company, the authorized representative's signature, and the date signed. The certification statement must also incorporate the following language:

> "I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to [insert name(s) of reclamation facility and any intermediate facility], reasonable efforts were made in compliance with 35 Ill. Adm. Code 721.104(a)(24)(E)(ii) to ensure that the hazardous secondary materials would be recycled legitimately, and otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information."

BOARD NOTE: The Board combined the documentation, certification, and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C)(*1*) through (a)(24)(v)(C)(*3*) into subsection (a)(24)(E)(iii) to comply with codification requirements.

iv) The hazardous secondary material generator must maintain certain records at the generating facility for a minimum of three years that document every off-site shipment of hazardous secondary materials. The documentation for each shipment must, at a minimum, include the following information about the shipment: the name of the transporter and date of the shipment; the name and address of each reclaimer and intermediate facility to which the hazardous secondary material was sent; and the type and quantity of hazardous secondary material in the shipment.

BOARD NOTE: The Board combined and moved the shipping documentation and records retention requirements of corresponding 40 CFR 261.4(a)(24)(v)(C) and (a)(24)(v)(C)(1) through (a)(24)(v)(C)(3) to this single subsection (a)(24)(E)(iv). This combination allowed complying with codification requirements relating to the maximum permissible indent level.

v) The hazardous secondary material generator must maintain at the generating facility, for a minimum of three years, for every off-site shipment of hazardous secondary materials, confirmations of receipt from each reclaimer and intermediate facility to which its hazardous secondary materials were sent. Each confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The generator may meet this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

vi) The hazardous secondary material generator must comply with the emergency preparedness and response conditions in Subpart M.

BOARD NOTE: The Board intends that "RCRA permit" in subsections (a)(24)(E)(ii) and (a)(24)(E)(iii) include a permit issued by USEPA or a sister state under section 3005 of RCRA (42 USC 6925).

F) The reclaimer of hazardous secondary material or any intermediate facility, as defined in 35 Ill. Adm. Code 720.110, that manages material that is excluded from regulation under this subsection (a)(24) must meet the following conditions:

i) The owner or operator of a reclamation or intermediate facility must maintain at its facility for a minimum of three years records of every shipment of hazardous secondary material that the facility received and, if applicable, for every shipment of hazardous secondary material that the facility received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records must, at a minimum, contain the following information: the name of the transporter and date of the

shipment; the name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility from which the facility received the hazardous secondary materials; the type and quantity of hazardous secondary material in the shipment; and, for hazardous secondary materials that the facility subsequently transferred off-site for further reclamation after receiving it, the name and address of the (subsequent) reclaimer and any intermediate facility to which the facility sent the hazardous secondary material.

BOARD NOTE: The Board combined the provisions from 40 CFR 261.4(a)(24)(vi)(A) and (a)(24)(vi)(A)(1) through (a)(24)(vi)(A)(3) that enumerate the required information into this single subsection (a)(24)(F)(i). This combination allowed complying with codification requirements relating to the maximum permissible indent level.

ii) The intermediate facility must send the hazardous secondary material to the reclaimers designated by the generator of the hazardous secondary materials.

iii) The reclaimer or intermediate facility that receives a shipment of hazardous secondary material must send a confirmation of receipt to the hazardous secondary material generator for each off-site shipment of hazardous secondary materials. A confirmation of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received, and the date on which the facility received the hazardous secondary materials. The reclaimer or intermediate facility may meet this requirement using routine business records (e.g., financial records, bills of lading, copies of USDOT shipping papers, or electronic confirmations of receipt).

iv) The reclaimer or intermediate facility must manage the hazardous secondary material in a manner that is at least as protective of human health and the environment as that employed for analogous raw material, and the material must be contained. An "analogous raw material" is a raw material for which the hazardous secondary material substitutes and that serves the same function and has similar physical and chemical properties as the hazardous secondary material.

v) A reclaimer of hazardous secondary materials must manage any residuals that are generated from its reclamation processes in a manner that is protective of human health and the environment. If any residuals of the reclamation process exhibit a characteristic of hazardous waste, as defined in Subpart C, or if the residuals themselves are specifically listed as hazardous waste in Subpart D, those residuals are hazardous waste. The reclaimer and any subsequent persons must manage that hazardous waste in compliance with the applicable requirements of 35 Ill. Adm. Code: Subtitle G or similar regulations authorized by USEPA as equivalent to 40 CFR 260 through 272.

vi) The reclaimer and intermediate facility must have financial assurance that complies with Subpart H.

G) In addition, any person claiming the exclusion for recycled hazardous secondary material under this subsection (a)(24) must provide notification as required by 35 Ill. Adm. Code 720.142.

H) For the reasonable inquiries required by subsection (a)(24)(E)(ii), the hazardous secondary material generator must affirmatively answer the following questions for each reclamation facility and any intermediate facility:

i) Does the available information indicate that the reclamation process is legitimate under 35 Ill. Adm. Code 720.143? In answering this question, the hazardous secondary material generator can rely on its existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process.

ii) Does the publicly available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities under 35 Ill. Adm. Code 720.142, and have they notified the appropriate authorities that the financial assurance condition is satisfied per subsection (a)(24)(F)(vi)? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's complying with the notification requirements per 35 Ill. Adm. Code

720.142, including the requirement in 35 Ill. Adm. Code 720.142(a)(5) to notify USEPA or the Agency whether the reclaimer or intermediate facility has financial assurance.

iii) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has not been classified as a significant noncomplier with RCRA Subtitle C? In answering this question, the hazardous secondary material generator can rely on the publicly available information from USEPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has been classified as a significant non-complier with RCRA Subtitle C, does the hazardous secondary material generator have credible evidence that the facility will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can obtain additional information from USEPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

iv) Does the available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third party of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

v) If residuals are generated from reclaiming the excluded hazardous secondary materials, does the reclamation facility have the permits required (if any) to manage the residuals? If not, does the reclamation facility have a contract with an appropriately permitted facility to dispose of the residuals? If not, does the hazardous secondary

material generator have credible evidence that the residuals will be managed in a manner that is protective of human health and the environment? In answering these questions, the hazardous secondary material generator can rely on publicly available information from USEPA or the state, or information provided by the facility itself.

BOARD NOTE: The Board moved the required generator inquiries into a reclamation or intermediate facility of 40 CFR 261.4(a)(24)(v)(B) and (a)(24)(v)(B)(1) through (a)(24)(v)(B)(5) to this subsection (a)(24)(H) to comply with codification requirements.

25) Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided that the hazardous secondary material generator complies with the applicable requirements of subsections (a)(24)(A) through (a)(24)(E) and (a)(24)(H) (excepting subsection (a)(24)(H)(ii) for foreign reclaimers and foreign intermediate facilities), and that the hazardous secondary material generator also complies with the following requirements:

A) The generator must notify USEPA of an intended export before the hazardous secondary material is scheduled to leave the United States. The generator must submit a complete notification at least 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the hazardous secondary material generator, and include the following information:

i) The name, site~~mailing~~ address, telephone number and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) A description of the hazardous secondary material and the USEPA hazardous waste number that would apply if the hazardous secondary material were managed as hazardous waste and the USDOT proper shipping name, hazard class and identification number (UN or NA) for each hazardous secondary material as identified in the hazardous materials table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) The estimated frequency or rate at which the hazardous secondary material is to be exported and the period over which the hazardous secondary material is to be exported;

iv) The estimated total quantity of hazardous secondary material;

v) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;

vi) A description of the means by which each shipment of the hazardous secondary material will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.), etc.);

vii) A description of how the hazardous secondary material will be reclaimed in the country of import;

viii) The name and site address of the reclaimer, any intermediate facility, and any alternate reclaimer and intermediate facilities; and

ix) The name of any countries of transit through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there (for this Section, the terms "USEPA Acknowledgement of Consent", "country of import", and "country of transit" are used as defined in 35 Ill. Adm. Code 722.181 with the exception that the terms in this Section refer to hazardous secondary materials, rather than hazardous waste).

B) The generator must submit notifications electronically using USEPA's Waste Import Export Tracking System (WIETS).

C) Except for changes to the telephone number required in subsection (a)(25)(A)(i) and decreases in the quantity of hazardous secondary material indicated under subsection (a)(25)(A)(iv), when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide USEPA with a written renotification of the change. The shipment must not occur until consent of the country of import to the changes (except for changes to subsection (a)(25)(A)(ix) and in the ports of entry to

and departure from countries of transit under subsection (a)(25)(A)(v)) has been obtained and the hazardous secondary material generator receives from USEPA a USEPA Acknowledgment of Consent reflecting the country of import's consent to the changes.

D) Upon request by USEPA, the hazardous secondary material generator must furnish to USEPA any additional information that a country of import requests to respond to a notification.

E) USEPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines complies with subsection (a)(25)(A). ~~When a claim of confidentiality is asserted with respect to any notification information required by subsection (a)(25)(A), USEPA may find the notification not complete until any such claim is resolved in compliance with 35 Ill. Adm. Code 720.102.~~

F) The export of hazardous secondary material under this subsection (a)(25) is prohibited unless the hazardous secondary material generator receives from USEPA an USEPA Acknowledgment of Consent documenting the consent of the country of import to the receipt of hazardous secondary material. When the country of import objects to receipt of the hazardous secondary material or withdraws a prior consent, USEPA will notify the hazardous secondary material generator in writing. USEPA will also notify the hazardous secondary material generator of any responses from countries of transit.

G) For exports to OECD member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any country of import or countries of transit to a notification provided under subsection (a)(25)(A) within 30 days after the date of issuance of the acknowledgement of receipt of notification by the competent authority of the country of import, the transboundary movement may commence. In such cases, USEPA will send a USEPA Acknowledgment of Consent to inform the hazardous secondary material generator that the country of import and any relevant countries of transit have not objected to the shipment and are thus presumed to have consented tacitly. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents is required for exports after that date.

H) A copy of the USEPA Acknowledgment of Consent must accompany the shipment. The shipment must conform to the terms of the USEPA Acknowledgment of Consent.

I) If the shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator must re-notify USEPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in compliance with subsection (a)(25)(C) and obtain another USEPA Acknowledgment of Consent.

J) Hazardous secondary material generators must keep a copy of each notification of intent to export and each USEPA Acknowledgment of Consent for a period of three years following receipt of the USEPA Acknowledgment of Consent. They may meet this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in their account on USEPA's WIETS, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector. No hazardous secondary material generator may be held liable for the inability to produce a notification or Acknowledgement for inspection under this Section if it can demonstrate that the inability to produce such copies is due exclusively to technical difficulty with USEPA's WIETS for which the hazardous secondary material generator bears no responsibility.

K) Hazardous secondary material generators must file with USEPA, no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous secondary materials exported during the previous calendar year. Annual reports must be submitted electronically using USEPA's WIETS. Such reports must include the following information:

i) Name, mailing and site address, and USEPA identification number (if applicable) of the hazardous secondary material generator;

ii) The calendar year covered by the report;

iii) The name and site address of each reclaimer and intermediate facility;

iv) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the USEPA hazardous waste

number that would apply if the hazardous secondary material were managed as hazardous waste; the USDOT hazard class, incorporated by reference in 35 Ill. Adm. Code 720.111; the name and USEPA identification number (if applicable) for each transporter used, the consent number(s) under which the hazardous secondary material was shipped and for each consent number(s) the total amount of hazardous secondary material shipped, and the number of shipments during the calender year covered by the report; and

v) A certification signed by the hazardous secondary material generator that states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

L) Any person claiming an exclusion under this subsection (a)(25) must provide notification as required by 35 Ill. Adm. Code 720.142.

26) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation if the following conditions are met:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for cleaning;

C) At the point of being sent for cleaning on-site or at the point of being transported off-site for cleaning, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(a)(26)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being transported off-site for laundering or dry cleaning; and

F) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the federal Clean Water Act (33 USC 1311 and 1341 or 33 USC 1317) or equivalent Illinois or sister-state requirements approved by USEPA under 33 USC 1311 through 1346 and 1370.

27) Hazardous secondary material that is generated and then transferred to another person for remanufacturing is not a solid waste, provided that the following conditions are met:
BOARD NOTE: The North American Industrial Classification System (NAICS) codes used in this subsection (a)(27) are defined in the NAICS Manual, available from the Office of Management and Budget and incorporated by reference in 35 Ill. Adm. Code 720.111.

A) The hazardous secondary material consists of one or more of the following spent solvents: toluene, xylenes, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, N,N-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol, or methanol.

B) The hazardous secondary material originated from using one or more of the solvents listed in subsection (a)(27)(A) in a commercial grade for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

C) The hazardous secondary material generator sends the hazardous secondary material spent solvents listed in subsection (a)(27)(A) to a remanufacturer in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), or the paints and coatings manufacturing sectors (NAICS 325510).

D) After remanufacturing one or more of the solvents listed in subsection (a)(27)(A), the use of the remanufactured solvent must be limited to reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) in the pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and the paints and coatings manufacturing sectors (NAICS 325510) or to using them as ingredients in a product. These allowed uses correspond to chemical functional uses enumerated in 40 CFR 711.15(b)(4)(i)(C) (Reporting Information to EPA), incorporated by reference in 35 Ill. Adm. Code 720.111, including Industrial Function Category Codes U015 (solvents consumed in a reaction to produce other chemicals) and U030 (solvents that become part of the mixture). BOARD NOTE: The Board observes that the citation to Toxic Substances Control Act function categories and use of the word "including" to preface specific example Industrial Function Category Codes does not expand the range of permissible uses beyond the express limitations recited in the first segment of this subsection (a)(27)(D) and subsection (a)(27)(E).

E) After remanufacturing one or more of the solvents listed in subsection (a)(27)(i), the use of the remanufactured solvent does

not involve cleaning or degreasing oil, grease, or similar material from textiles, glassware, metal surfaces, or other articles. (These disallowed continuing uses correspond to chemical functional uses in Industrial Function Category Code U029 (solvents (for cleaning and degreasing)) in 40 CFR 711.15(b)(4)(i)(C), incorporated by reference in 35 Ill. Adm. Code 720.111.

F) Both the hazardous secondary material generator and the remanufacturer must meet the following requirements:

i) The generator and remanufacturer must notify USEPA Region 5 and the Agency, and update the notification every two years per 35 Ill. Adm. Code 720.142;

ii) The generator and remanufacturer must develop and maintain an up-to-date remanufacturing plan that identifies the information enumerated in subsection (a)(27)(G); BOARD NOTE: The Board moved corresponding 40 CFR 261.4(a)(27)(vi)(B)(*1*) through (a)(27)(vi)(B)(*1*) to appear as subsections (a)(27)(G)(i) through (a)(27)(G)(v) to comport with codification requirements.

iii) The generator and remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments;

iv) The generator and remanufacturer must, prior to remanufacturing, store the hazardous spent solvents in tanks or containers that meet technical standards found in Subparts I and J, with the tanks and containers being labeled or otherwise having an immediately available record of the material being stored;

v) The generator and remanufacturer must, during remanufacturing, and during storage of the hazardous secondary materials prior to remanufacturing, the remanufacturer certifies that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls complying with the applicable Clean Air Act regulations of 40 CFR 60, 61 and 63, incorporated by reference in 35 Ill. Adm. Code 720.111; or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, are complying with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage); and

vi) The generator and remanufacturer must meet the requirements prohibiting speculative accumulation in Section 721.101(c)(8).

G) The following information items are required elements for a remanufacturing plan.

i) The name, address and USEPA ID number of the generators and the remanufacturers;

ii) The types and estimated annual volumes of spent solvents to be remanufactured;

iii) The processes and industry sectors that generate the spent solvents;

iv) The specific uses and industry sectors for the remanufactured solvents; and

v) A certification from the remanufacturer stating as follows: "On behalf of [insert remanufacturer facility name], I certify that this facility is a remanufacturer under pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211), and/or the paints and coatings manufacturing sectors (NAICS 325510), and will accept the spent solvent(s) solely for remanufacturing into commercial-grade solvent(s) that will be used for reacting, extracting, purifying, or blending chemicals (or for rinsing out the process lines associated with these functions) or for use as product ingredient(s). I also certify that the remanufacturing equipment, vents, and tanks are equipped with and are operating air emission controls complying with the appropriate Clean Air Act regulations under 40 CFR 60, 61 or 63, or, absent such Clean Air Act standards for the particular operation or piece of equipment covered by the remanufacturing exclusion, comply with the appropriate standards in Subparts AA (vents), BB (equipment) and CC (tank storage)."

BOARD NOTE: Subsections (a)(27)(G)(i) through (a)(27)(G)(v) correspond with 40 CFR 261.4(a)(27)(vi)(B)(*1*) through (a)(27)(vi)(B)(*1*), moved to this subsection (a)(27)(G) to comport with codification requirements.

b) Solid Wastes That 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 of, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste must not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for regulation under this Part, if the following describe the facility:

A) The facility receives and burns only the following waste:

i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); or

ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection (b)(1) from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C until December 7, 1994 to file a RCRA Part A permit application under 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

A) The growing and harvesting of agricultural crops; or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Coal and Fossil Fuel Combustion Waste

A) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from combusting coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

B) The following wastes generated primarily from processes that support combusting coal or other fossil fuels that are co-disposed with the wastes in subsection (b)(4)(A), except as provided by 35 Ill. Adm. Code 726.112 for facilities that burn or process hazardous waste:

i) Coal Pile Run-Off. For this subsection (b)(4), "coal pile run-off" means any precipitation that drains off coal piles.

ii) Boiler Cleaning Solutions. For this subsection (b)(4), "boiler cleaning solutions" means water solutions and chemical solutions used to clean the fire-side and waterside of the boiler.

iii) Boiler Blowdown. For this subsection (b)(4), "boiler blowdown" means water purged from boilers used to generate steam.

iv) Process Water Treatment and Demineralizer Regeneration Wastes. For this subsection (b)(4), "process water treatment and demineralizer regeneration wastes" means sludges, rinses, and spent resins generated from processes to remove dissolved gases, suspended solids, and dissolved chemical salts from combustion system process water.

v) Cooling Tower Blowdown. For this subsection (b)(4), "cooling tower blowdown" means water purged from a closed cycle cooling system. Closed cycle cooling systems include cooling towers, cooling ponds, or spray canals.

vi) Air Heater and Precipitator Washes. For this subsection (b)(4), "air heater and precipitator washes" means wastes from cleaning air preheaters and electrostatic precipitators.

vii) Effluents from Floor and Yard Drains and Sumps. For this subsection (b)(4), "effluents from floor and yard drains and sumps" means wastewaters, such as wash water, collected by or from floor drains, equipment drains, and sumps located inside the power plant building; and wastewaters, such as rain run-off, collected by yard drains and sumps located outside the power plant building.

viii) Wastewater Treatment Sludges. For this subsection (b)(4), "wastewater treatment sludges" refers to sludges generated from the treatment of wastewaters specified in subsections (b)(4)(B)(i) through (b)(4)(B)(vi).

5) Drilling fluids, produced waters, and other wastes associated with the exploring, developing, or producing crude oil, natural gas, or geothermal energy.

6) Chromium Wastes

A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or that are listed in Subpart D due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or that are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if the waste generator shows the following:

i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

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

B) The following are specific wastes that meet the standard in subsection (b)(6)(A) (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit 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 shearling;

ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;

iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;

vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and

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

7) Solid waste from extracting, beneficiating, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For this subsection (b)(7), beneficiating ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except if the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.

B) For this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

i) Slag from primary copper processing;

ii) Slag from primary lead processing;

iii) Red and brown muds from bauxite refining;

iv) Phosphogypsum from phosphoric acid production;

v) Slag from elemental phosphorus production;

vi) Gasifier ash from coal gasification;

vii) Process wastewater from coal gasification;

viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;

ix) Slag tailings from primary copper processing;

x) Fluorogypsum from hydrofluoric acid production;

xi) Process wastewater from hydrofluoric acid production;

xii) Air pollution control dust or sludge from iron blast furnaces;

xiii) Iron blast furnace slag;

xiv) Treated residue from roasting and leaching of chrome ore;

xv) Process wastewater from primary magnesium processing by the anhydrous process;

xvi) Process wastewater from phosphoric acid production;

xvii) Basic oxygen furnace and open-hearth furnace air pollution control dust or sludge from carbon steel production;

xviii) Basic oxygen furnace and open-hearth furnace slag from carbon steel production;

xix) Chloride processing waste solids from titanium tetrachloride production; and

xx) Slag from primary zinc production.

C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are met:

i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and

ii) The owner or operator legitimately reclaims the secondary mineral processing materials.

8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for USEPA hazardous waste numbers D004 through D017 and that is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.

10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (USEPA hazardous waste numbers D018 through D043 only) and that are subject to corrective action regulations under 35 Ill. Adm. Code 731.

11) This subsection (b)(11) corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.

12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D, if these oil filters have been gravity hot-drained using one of the following methods:

A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

B) Hot-draining and crushing;

C) Dismantling and hot-draining; or

D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under the following circumstances:

A) The following conditions must be met:

i) The solid wastes disposed of would meet one or more of the listing descriptions for the following USEPA hazardous waste numbers that are generated after the effective date listed for the waste:

USEPA Hazardous Waste Numbers	Listing Effective Date
K169, K170, K171, and K172	February 8, 1999
K174 and K175	May 7, 2001
K176, K177, and K178	May 20, 2002
K181	August 23, 2005

ii) The solid wastes described in subsection (b)(15)(A)(i) were disposed of prior to the effective date of the listing (as provided in that subsection);

iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act (33 USC 1317(b) or 1342).

B) Leachate or gas condensate derived from K169, K170, K171, K172, K176, K177, K178, or K181 waste will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed complying with the conditions of this subsection (b)(15) after the emergency ends.

16) This subsection (b)(16) corresponds with 40 CFR 261.4(b)(16), which USEPA has marked "reserved". This statement maintains structural parity with USEPA regulations.

17) This subsection (b)(17) corresponds with 40 CFR 261.4(b)(17), which pertains exclusively to waste generated by a specific facility outside Illinois. This statement maintains structural parity with USEPA regulations.

18) Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation if the following conditions are met:

A) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes". The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated

wipes. When the container is full, when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

B) The solvent-contaminated wipes may be accumulated by the generator for up to 180 days from the start date of accumulation for each container prior to being sent for disposal;

C) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids, as defined in 35 Ill. Adm. Code 720.110;

D) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this Part and 35 Ill. Adm. Code 720, 722 through 728, and 733;

E) Generators must maintain at their site the following documentation:

i) The name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;

ii) The documentation that the 180-day accumulation time limit in 35 Ill. Adm. Code 721.104(b)(18)(B) is being met; and

iii) A description of the process the generator is using to ensure that the solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

F) The solvent-contaminated wipes are sent for disposal at one of the following facilities:

i) A municipal solid waste landfill regulated under RCRA Subtitle D regulations: 35 Ill. Adm. Code 810 through 815, including the landfill design criteria of 35 Ill. Adm. Code 811.303 through 811.309, 811.315 through 811.317, and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 40 CFR 258, including the landfill design criteria of 40 CFR 258.40; or equivalent regulations of a sister state that USEPA has approved under 42 USC 6943 and 6947; or

ii) A hazardous waste landfill regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725; 40 CFR 264 or 265; or equivalent regulations of a sister state that USEPA has approved under 42 USC 6926; or

iii) A municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act (42 USC 7429) or equivalent Illinois or sister-state regulations approved by USEPA under 42 USC 7429; or

iv) A hazardous waste combustor, boiler, or industrial furnace regulated under RCRA Subtitle C regulations: 35 Ill. Adm. Code 724 or 725 or Subpart H of 35 Ill. Adm. Code 726; 40 CFR 264 or 265 or subpart H of 40 CFR 266; or equivalent regulations of a sister state that USEPA has approved under 42 USC 6926.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930) 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 transporting product or raw materials.

d) Samples

1) Except as provided in subsections (d)(2) and (d)(4), a sample of solid waste or a sample of water, soil, or air that is collected solely for testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, and 722 through 728. The sample qualifies when it meets one of the following conditions:

A) The sample is being transported to a laboratory for testing;

B) The sample is being transported back to the sample collector after testing;

C) The sample is being stored by the sample collector before transport to a laboratory for testing;

D) The sample is being stored in a laboratory before testing;

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 if further testing of the sample may be necessary).

2) To qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must do the following:

A) Comply with USDOT, U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that USDOT, 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; and

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 subsection (d)(1).

4) To qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B), the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed 25 kg.

e) Treatability Study Samples

1) Except as provided in subsections (e)(2) and (e)(4), a person that generates or collects samples for conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill Adm. Code 722 and 723,~~35 Ill. Adm. Code 721 through 723~~ or to the notification requirements of section 3010 of RCRA (42 USC 6930). Nor are such samples included in the quantity determinations of Section 722.113 and the accumulation limits in Sections 722.114(a)(3),

722.114(a)(4), and 722.116(b)(1)~~35 Ill. Adm. Code 722.114 and 722.116~~ when:

A) The sample is being collected and prepared for transportation by the generator or sample collector;

B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

C) The sample is being transported to the laboratory or testing facility for conducting a treatability study.

2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for conducting treatability studies provided that the following conditions are met:

A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1,000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream;

B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste;

C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and subsection (e)(2)(C)(i) or (e)(2)(C)(ii) are met.

i) Transporting each sample shipment complies with USDOT, USPS, or any other applicable shipping requirements; or

ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f), or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completing the treatability study:

i) Copies of the shipping documents;

ii) A copy of the contract with the facility conducting the treatability study; and

iii) Documentation showing the following: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and

F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4), for up to an additional 5,000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste under the circumstances in either subsection (e)(3)(A) or (e)(3)(B), subject to the limitations of subsection (e)(3)(C):

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiating or

completing initial treatability studies when the following occurs: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluating an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F). The generator or sample collector must apply to the Agency and provide in writing the following information:

i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

ii) Documentation accounting for all samples of hazardous waste from the waste stream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;

iv) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

v) Such other information as the Agency determines is necessary.

4) To qualify for the exemption in subsection (e)(1)(A), the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed 25 kg.

5) Final Agency determinations under this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 722 through 726, and 728 or to the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the owner or operator complies with subsections (f)(1) through (f)(11). A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiating treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial

receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records for three years following completing each study that show complying with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

   A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;

   B) The date the shipment was received;

   C) The quantity of waste accepted;

   D) The quantity of "as received" waste in storage each day;

   E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

   F) The date the treatability study was concluded;

   G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency, by March 15 of each year, that includes the following information for the previous calendar year:

   A) The name, address, and USEPA identification number of the facility conducting the treatability studies;

   B) The types (by process) of treatability studies conducted;

   C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);

D) The total quantity of waste in storage each day;

E) The quantity and types of waste subjected to treatability studies;

F) When each treatability study was conducted; and

G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e).

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged Material That Is Not a Hazardous Waste. Dredged material that is subject to a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For this this subsection (g), the following definitions apply:

"Dredged material" has the meaning ascribed it in 40 CFR 232.2 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413);

or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

h) Carbon Dioxide Stream Injected for Geologic Sequestration. Carbon dioxide streams that are captured and transported for injecting into an underground injection well subject to the requirements for Class VI carbon sequestration

injection wells, including the requirements in 35 Ill. Adm. Code 704 and 730, are not a hazardous waste, if the following conditions are met:

1) Transporting the carbon dioxide stream must comply with U.S. Department of Transportation requirements, including the pipeline safety laws (chapter 601 of subtitle VIII of 49 USC, incorporated by reference in 35 Ill. Adm. Code 720.111) and regulations (49 CFR 190 through 199, incorporated by reference in 35 Ill. Adm. Code 720.111) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority under a certification under 49 USC 60105, incorporated by reference in 35 Ill. Adm. Code 720.111, and 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, as applicable;
BOARD NOTE: The parenthetical language relating to pipeline transportation does not preclude transportation by air, water, highway, or rail that complies with U.S. Department of Transportation regulations at 49 CFR 171 through 180. For this reason, the Board has added citations of those regulations.

2) Injecting the carbon dioxide stream must comply with the applicable requirements for Class VI carbon sequestration injection wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730;

3) No hazardous wastes may be mixed with, or otherwise co-injected with, the carbon dioxide stream; and

4) Required Certifications

A) Any generator of a carbon dioxide stream, that claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream complying with (or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream complying with) U.S. Department of Transportation requirements, including the pipeline safety laws (49 USC 60101 et seq.) and regulations (49 CFR Parts 190 through 199) of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 USC 60105, as applicable, for injection into a well subject to the

requirements for the Class VI Underground Injection Control Program of the federal Safe Drinking Water Act (42 USC 300f et seq.)."

B) Any Class VI carbon sequestration injection well owner or operator, who claims that a carbon dioxide stream is excluded under this subsection (h), must have an authorized representative (as defined in 35 Ill. Adm. Code 720.110) sign a certification statement worded as follows:

"I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 35 Ill. Adm. Code 721.104(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the UIC Class VI permitted facility, and that injecting the carbon dioxide stream complies with the applicable requirements for UIC Class VI wells, including the applicable requirements in 35 Ill. Adm. Code 704 and 730."

C) The signed certification statement must be kept on-site, for no less than three years, and must be made available within 72 hours after a written request from the Agency or USEPA, or their designee. The signed certification statement must be renewed every year that the exclusion is claimed, by having an authorized representative (as defined in 35 Ill. Adm. Code 720.110) annually prepare and sign a new copy of the certification statement within one year after the date of the previous statement. The signed certification statement must also be readily accessible on the facility's publicly available website (if such website exists) as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.

i) This subsection corresponds with 40 CFR 261.4(i), which USEPA marked "Reserved". This statement maintains structural consistency with the federal regulation.

j) Airbag Waste

1) At the airbag waste handler or during transport to an airbag waste collection facility or designated facility, airbag waste is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 728 and is not subject to the notification requirements of section 3010 of RCRA provided that the airbag waste handler or transporter meets the following conditions:

A) The airbag waste handler or transporter accumulates the airbag waste in a quantity of no more than 250 airbag modules or airbag inflators for no longer than 180 days;

B) The airbag waste handler or transporter packages the airbag waste in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste—Do Not Reuse";

C) The airbag waste handler or transporter sends the airbag waste directly to either of the following facilities:

i) An airbag waste collection facility in the United States that is under the control of a vehicle manufacturer or its authorized representative or that is under the control of a person authorized to administer a remedy program in response to a vehicle safety recall under 49 USC 30120; or

ii) A designated facility, as defined in 35 Ill. Adm. Code 720.110;

D) The transport of the airbag waste complies with all applicable USDOT regulations in 49 CFR 171 through 180 during transit; and

E) The airbag waste handler maintains at the handler facility, for at least three years, records of each off-site shipment of airbag waste and each confirmation of receipt from the receiving facility. For each shipment, these records must, at a minimum, contain the name of the transporter, the date of the shipment, the name and address of the receiving facility, and the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment. A confirmation of receipt must include the name and address of the receiving facility, the type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received, and the date when the airbag waste collection facility received the airbag waste. The airbag waste handler must make shipping records and confirmations of receipt available for inspection and may meet this requirement using routine business records (e.g., electronic or paper financial records, bills of lading, copies of USDOT shipping papers, electronic confirmations of receipt, etc.).

2) Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations. The facility receiving airbag waste is considered the hazardous waste generator for the hazardous waste regulations and must comply with 35 Ill. Adm. Code 722.

3) Reuse in vehicles of defective airbag modules or defective airbag inflators that are subject to a recall under 49 USC 30120 is considered sham recycling and prohibited under 35 Ill. Adm. Code 721.102(g).

BOARD NOTE: This precludes any possibility that reuse qualifies for recycling-based exclusion from the definition of solid waste. Federal law prohibits selling defective recalled motor vehicle equipment if it may reasonably be used for its original purpose. (See 42 USC 30120(j).)

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

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

(Source: Repealed at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable Materials

1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c), except for the materials listed in subsections (a)(2) and (a)(3). Hazardous wastes that are recycled will be known as "recyclable materials".

2) The following recyclable materials are not subject to this Section but are regulated under Subparts C through QH ~~H~~ of 35 Ill. Adm. Code 726 and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 728.

A) Recyclable materials used in a manner constituting disposal (see Subpart C of 35 Ill. Adm. Code 726);

B) Hazardous wastes burned (as defined in 35 Ill. Adm. Code 726.200(a)) in boilers and industrial furnaces that are not regulated under Subpart O of 35 Ill. Adm. Code 724 or Subpart O (see Subpart H of 35 Ill. Adm. Code 726);

C) Recyclable materials from which precious metals are reclaimed (see Subpart F of 35 Ill. Adm. Code 726); ~~and~~

D) Spent lead-acid batteries that are being reclaimed (see Subpart G of 35 Ill. Adm. Code 726); and ~~.~~

E) Ignitable spent refrigerants recycled for reuse (35 Ill Adm. Code 726 subpart Q).

3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 728, or 702 and 703 and are not subject to the notification requirements of section 3010 of RCRA (42 USC 6930):

A) Industrial ethyl alcohol that is reclaimed except that exports and imports of these recyclable material must comply with 40 CFR 262, subpart H.

i) The person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to an exporter in Section 722.183 with the exception of Section 722.183(c);

ii) Transporters transporting a shipment for export or import must comply with the movement document requirements listed in Section 723.120(a)(2) and (c).

B) Scrap metal that is not excluded under Section 721.104(a)(13);

C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if these wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste if the recovered oil is already excluded under Section 721.104(a)(12));

D) Petroleum Refining Wastes

i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from the hazardous wastes, if these hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill.

Adm. Code 739.111 and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, if the hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111; and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). This term includes oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

5) Hazardous waste that is exported or imported for recovery is subject to Subpart H of 35 Ill. Adm. Code 722.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of RCRA (42 USC 6930), except as provided in subsection (a).

c) Storage and Recycling

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of Subparts A through L, AA through DD of 35 Ill. Adm. Code 724 and 725 and 35 Ill. Adm. Code 702, 703, 705, 726, 727, and 728; and the notification requirement under section 3010 of RCRA (42 USC 6930), except as provided in subsection (a). (The recycling process itself is exempt from regulation, except as provided in subsection (d).)

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

A) Notification requirements under section 3010 of RCRA (42 USC 6930);

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

C) Subsection (d); and

D) 35 Ill. Adm. Code 725.175 (annual reporting requirements).

d) Owners or operators of facilities required to have a RCRA permit under 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to Subparts AA and BB of 35 Ill. Adm. Code 724 or 725 or 35 Ill. Adm. Code 267.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.107 Residues of Hazardous Waste in Empty Containers

a) Applicability of rules.

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

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

b) Definition of "empty":

1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in Section 721.131 or 721.133(e), is empty if the conditions of subsections (b)(1)(A) and (b)(1)(B) exist, subject to the limitations of subsection (b)(1)(C):

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, and

B) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner, or

C) Weight Limits

i) No more than three 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 119 gallons (450 liters) in size; or

ii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons (450 liters) 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 ambient atmospheric pressure.

3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in Section 721.131 or 721.133(e) is empty if any of the following occurs:

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.

c) A container that held hazardous waste pharmaceuticals is determined empty under 35 Ill. Adm. Code 726.607, in lieu of under this Section, except as provided by 35 Ill. Adm. Code 726.607(c) and (d).

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

Section 721.108 PCB Wastes Regulated under TSCA

Polychlorinatedbiphenyl-(PCB-)containing dielectric fluid and electric equipment containing such fluid are exempt from regulation under 35 Ill. Adm. Code 702, 703, and 721 through 728, and from the notification requirements of Section 3010 of RCRA (42 USC 6930) if the following conditions are fulfilled with regard to the fluid:

a) The fluid is authorized for use and regulated pursuant to federal 40 CFR 761; and

b) The fluid is hazardous only because it fails the test for toxicity characteristic (hazardous waste numbers D018 through D043 only).

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.109 Requirements for Universal Waste

The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702, 703, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes are subject to regulation under 35 Ill. Adm. Code 733:

a) Batteries, as described in 35 Ill. Adm. Code 733.102;

b) Pesticides, as described in 35 Ill. Adm. Code 733.103;

c) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

d) Lamps, as described in 35 Ill. Adm. Code 733.105;

e) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

f) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

(Source: Amended at 49 Ill. Reg. 11375, effective August 27, 2025)

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

a) USEPA stated in corresponding federal 40 CFR 261.10 that it identifies and defines a characteristic of hazardous waste in Subpart C only upon determining the following:

1) That a solid waste that exhibits the characteristic may do either of the following:

A) It could cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

B) It could pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and

2) That the characteristic can be as follows:

A) It can be measured by an available standardized test method that is reasonable within the capability of generators of solid waste or private sector laboratories that are available to serve generators of solid waste; or

B) It can reasonably be detected by generators of solid waste through their knowledge of their waste.

b) Delisting procedures are contained in 35 Ill. Adm. Code 720.122.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.111 Criteria for Listing Hazardous Waste

a) USEPA stated in corresponding federal 40 CFR 261.11 that it lists a solid waste as a hazardous waste only upon determining that the solid waste meets one of the following criteria:

1) The solid waste exhibits any of the characteristics of hazardous waste identified in Subpart C; or

2) Acute hazardous waste. The solid waste has been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral LD 50 toxicity (rat) of less than 50 mg/kg, an inhalation LC 50 toxicity (rat) of less than 2 mg/ℓ, or a dermal LD 50 toxicity (rabbit) of less than 200 mg/kg or is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness.

BOARD NOTE: Waste listed under subsection (a)(2) are designated Acute Hazardous Waste.

3) Toxic Waste. The solid waste contains any of the toxic constituents listed in Appendix H and, after considering the following factors, USEPA concludes that the waste is capable of posing a substantial present or

potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed:

BOARD NOTE: Substances are listed in Appendix H only if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms.

A) The nature of the toxicity presented by the constituent;

B) The concentration of the constituent in the waste;

C) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in subsection (a)(3)(G);

D) The persistence of the constituent or any toxic degradation product of the constituent;

E) The potential for the constituent or any toxic degradation product of the constituent to degrade into nonharmful constituents and the rate of degradation;

F) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;

G) The plausible types of improper management to which the waste could be subjected;

H) The quantities of the waste generated at individual generator sites or on a regional or national basis;

I) The nature and severity of the human health and environmental damage that has occurred because of the improper management of the wastes containing the constituent;

J) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and

K) Other factors as may be appropriate.

BOARD NOTE: Wastes listed under subsection (a)(3) are designated toxic wastes.

b) USEPA stated in corresponding federal 40 CFR 261.11(b) that it may list classes or types of solid waste as hazardous waste if USEPA has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in section 1004(5) of RCRA (42 USC 6904(5)).

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.120 General

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

BOARD NOTE: 35 Ill. Adm. Code 722.111 states the generator's responsibility to determine whether the generator's waste exhibits one or more characteristics identified in this Subpart C.

b) A hazardous waste that is identified by a characteristic in this Subpart C is assigned every USEPA hazardous waste number that is applicable as specified in this Subpart C. This number must be used in complying with the notification requirements of Section 3010 of RCRA (42 U.S.C. 6930) and all applicable recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 728.

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

BOARD NOTE: Since the Appendix A sampling methods are not being formally adopted, a person who desires to employ an alternative sampling method is not required to demonstrate the equivalency of the person's method under the procedures set forth in 35 Ill. Adm. Code 720.121.

(Source: Amended at 48 Ill. Reg. 9827, effective June 20, 2024)

Section 721.121 Characteristic of Ignitability

a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

1) It is a liquid, other than a solution containing less than 24 percent alcohol by volume and at least 50 percent water by weight, that has a flash point less than 60°C (140°F), as determined by one of the following ASTM

standards: D 93-79, D 93-80, D 3278-78, D 8174-18, or D 8175-18, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), as specified in SW-846 Test Methods 1010B or 1020C, each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorbing moisture, or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

3) It is an ignitable compressed gas.

A) The term "compressed gas" designates any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 °F or, regardless of the pressure at 70 °F, having an absolute pressure exceeding 104 p.s.i. at 130 °F. Alternatively, the term "compressed gas" designates any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 °F, as determined by ASTM D 323.

B) A compressed gas is characterized as ignitable if any one of the following occurs:

i) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits must be determined at atmospheric temperature and pressure. The method of sampling and test procedure must be ASTM E 681-85, incorporated by reference in 35 Ill. Adm. Code 720.111, or other equivalent methods approved by the Associate Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.

ii) It is determined to be flammable or extremely flammable using 49 CFR 173.115(l), incorporated by reference in 35 Ill. Adm. Code 720.111.

4) It is an oxidizer, as defined in 49 CFR 173.127 (Class 5, Division 5.1—Definition and Assignment of Packaging Groups), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

A) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

i) The material is a Division 1.1, 1.2, or 1.3 explosive, as defined in 40 CFR § 261.23(a)(8), in which case it must be classed as an explosive;

ii) Offering the material for transportation is forbidden under 49 CFR 172.101 and 49 CFR 173.21;

iii) The predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide; or

iv) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation.

b) A solid waste that exhibits the characteristic of ignitability has the USEPA hazardous waste number of D001.

(Source: Amended at 48 Ill. Reg. 9827, effective June 20, 2024)

Section 721.122 Characteristic of Corrosivity

a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties:

1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C (pH Electrometric Measurement) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 °C (130 °F), as determined by Method 1110A (Corrosivity Toward Steel) in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: The corrosivity characteristic determination currently does not apply to non-liquid wastes, as discussed by USEPA at 45 Fed. Reg. 33109, May 19, 1980 and at 55 Fed. Reg. 22549, June 1, 1990.

b) A solid waste that exhibits the characteristic of corrosivity has the USEPA hazardous waste number of D002.

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

Section 721.123 Characteristic of Reactivity

a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

1) It is normally unstable and readily undergoes violent change without detonating.

2) It reacts violently with water.

3) It forms potentially explosive mixtures with water.

4) When mixed with water, it generates toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

7) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

8) It is a forbidden explosive, as defined in federal 49 CFR 173.54 (Forbidden Explosives) or a Division 1.1, 1.2, or 1.3 explosive, as defined in 49 CFR 173.50 (Class 1—Definitions), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: Corresponding 40 CFR 261.23 cites to 49 CFR 173.53 (Provisions for Using Old Classifications of Explosives). That citation aids bridging obsolete USDOT rules to the current version. The Board has not included citation to 49 CFR 173.53 because it imposes no substantive requirements.

b) A solid waste that exhibits the characteristic of reactivity has the USEPA hazardous waste number of D003.

(Source: Amended at 35 Ill. Reg. 17734, effective October 14, 2011)

Section 721.124 Toxicity Characteristic

a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111(a), the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) at a concentration equal to or greater than the respective value given in that table. If the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is the extract for this Section.

BOARD NOTE: The reference to the "EP toxicity test" in 35 Ill. Adm. Code 808.410(b)(4) is to be understood as referencing the test required by this Section.

b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste No.	Contaminant	CAS Number	Note	Regulatory Level (mg/ℓ)
D004	Arsenic	7440-38-2		5.0
D005	Barium	7440-39-3		100.0
D018	Benzene	71-43-2		0.5
D006	Cadmium	7440-43-9		1.0
D019	Carbon tetrachloride	56-23-5		0.5
D020	Chlordane	57-74-9		0.03
D021	Chlorobenzene	108-90-7		100.0
D022	Chloroform	67-66-3		6.0
D007	Chromium	7440-47-3		5.0
D023	o-Cresol	95-48-7	2	200.0
D024	m-Cresol	108-39-4	2	200.0
D025	p-Cresol	106-44-5	2	200.0
D026	Cresol		2	200.0
D016	2,4-D	94-75-7		10.0
D027	1,4-Dichlorobenzene	106-46-7		7.5
D028	1,2-Dichloroethane	107-06-2		0.5
D029	1,1-Dichloroethylene	75-35-4		0.7
D030	2,4-Dinitrotoluene	121-14-2	1	0.13
D012	Endrin	72-20-8		0.02
D031	Heptachlor (and its epoxide)	76-44-8		0.008

D032	Hexachlorobenzene	118-74-1	1	0.13
D033	Hexachlorobutadiene	87-68-3		0.5
D034	Hexachloroethane	67-72-1		3.0
D008	Lead	7439-92-1		5.0
D013	Lindane	58-89-9		0.4
D009	Mercury	7439-97-6		0.2
D014	Methoxychlor	72-43-5		10.0
D035	Methyl ethyl ketone	78-93-3		200.0
D036	Nitrobenzene	98-95-3		2.0
D037	Pentachlorophenol	87-86-5		100.0
D038	Pyridine	110-86-1	1	5.0
D010	Selenium	7782-49-2		1.0
D011	Silver	7440-22-4		5.0
D039	Tetrachloroethylene	127-18-4		0.7
D015	Toxaphene	8001-35-2		0.5
D040	Trichloroethylene	79-01-6		0.5
D041	2,4,5-Trichlorophenol	95-95-4		400.0
D042	2,4,6-Trichlorophenol	88-06-2		2.0
D017	2,4,5-TP (Silvex)	93-72-1		1.0
D043	Vinyl chloride	75-01-4		0.2

Notes to Table:

1 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

2 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200.0 mg/ℓ.

(Source: Amended at 48 Ill. Reg. 9827, effective June 20, 2024)

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 D unless it has been excluded from this list under 35 Ill. Adm. Code 720.120 and 720.122.

b) The basis for listing the classes or types of wastes listed in this Subpart D is indicated by employing one or more of the following hazard codes:

1) Hazard Codes.

A) Ignitable waste (I)

B) Corrosive waste (C)

C) Reactive waste (R)

D) Toxicity Characteristic waste (E)

E) Acute hazardous waste (H)

F) Toxic waste (T)

2) Appendix G identifies the constituent that caused USEPA to list the waste as a toxicity characteristic waste (E) or toxic waste (T) in Sections 721.131 and 721.132.

c) Each hazardous waste listed in this Subpart D is assigned a USEPA hazardous waste number that precedes the name of the waste. This number must be used in complying with the federal notification requirements of section 3010 of RCRA (42 USC 6930) and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, and 722 through 725, 727, and 728.

d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the generator category limits for acute hazardous wastes established in 35 Ill. Adm. Code 722.113(g): hazardous wastes numbers F020, F021, F022, F023, F026, and F027.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.131 Hazardous Wastes from Nonspecific Sources

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

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetra-chloride, and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)

F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I)
F004	The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F005	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I, T)

F006	Wastewater treatment sludges from electroplating 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.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations.	(R, T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R, T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R, T)
F010	Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.	(R, T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.	(R, T)
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. Wastewater treatment sludge from the manufacturing of motor vehicles using a zinc phosphating process will not be subject to this listing at the point of generation if the waste is not placed outside on the land prior to shipment to a landfill for disposal and it is disposed of in a regulated landfill that fulfills either of the following conditions: It is located in Illinois, and it is one of the following types of landfills:	(T)

It is a landfill that is a hazardous waste management unit, as defined in 35 Ill. Adm. Code 720.110;

It is a municipal solid waste landfill, as defined in 35 Ill. Adm. Code 810.103; or

It is a putrescible or chemical waste landfill that is subject to the requirements of Subpart C of 35 Ill. Adm. Code 811.

It is located outside Illinois, and it is one of the following types of landfills:

It is a RCRA Subtitle D municipal solid waste or industrial solid waste landfill unit that is equipped with a single clay liner and which is permitted, licensed or otherwise authorized by the state; or

It is a landfill unit that is subject to or which otherwise meets the landfill requirements in 40 CFR 258.40, 264.301 or 265.301.

For the purposes of this hazardous waste listing, "motor vehicle manufacturing" is defined in subsection (b)(4)(A), and subsection (b)(4)(B) describes the recordkeeping requirements for motor vehicle manufacturing facilities.

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- or tetra-chlorophenol or of intermediates used to produce their pesticide 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 production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachloro-phenol or of intermediates used to produce its derivatives.	(H)

F022	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 hexa-chlorobenzenes under alkaline conditions.	(H)
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)	(H)
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this Section or in Section 721.132.)	(T)
F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.	(T)
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)

F027	Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026, and F027.	(T)
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 hazardous waste number deleted in accordance with Section 721.135 and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.	(T)
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.	(T)
F035	Wastewaters, (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.	(T)

F037	Petroleum refinery primary oil/water/solids separation sludge—any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludge generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludge generated in aggressive biological treatment units as defined in subsection (b)(2) (including sludge generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under Section 721.104(a)(12)(A) if those residuals are to be disposed of.	(T)
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge—any sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in the following types of units: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in dissolved air flotation (DAF) units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in subsection (b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units), F037, K048, and K051 wastes are not included in this listing.	(T)

F039	Multi-source leachate resulting from the disposal of more than one restricted waste classified as hazardous under this Subpart D. For purposes of this hazardous waste listing, "leachate" means liquids that have percolated through land-disposed wastes. (This multi-source leachate listing does not apply to leachate resulting from the disposal of more than one of the following USEPA hazardous wastes where the disposal of no other hazardous waste is involved: F020, F021, F022, F026, F027, and F028. Leachate from disposal of any combination of these hazardous wastes is considered single-source leachate, and that leachate retains the USEPA hazardous waste numbers of the wastes from which the leachate derived, and the leachate must meet the treatment standards for the underlying hazardous waste numbers.) BOARD NOTE: Derived from the listing for F039 at 40 CFR 261.31(a) (2017) and the discussion at 55 Fed. Reg. 22520, 22619-22623 (June 1, 1990).	(T)

BOARD NOTE: 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. "(I, T)" should be used to specify mixtures that are ignitable and contain toxic constituents.

b) Listing-Specific Definitions

1) For the purpose of the F037 and F038 listings, "oil/water/solids" is defined as oil or water or solids.

2) For the purposes of the F037 and F038 listings, the following apply:

A) "Aggressive biological treatment units" are defined as units that employ one of the following four treatment methods: activated sludge, trickling filter, rotating biological contactor for the continuous accelerated biological oxidation of wastewaters, or high-rate aeration. "High-rate aeration" is a system of surface impoundments or tanks in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and the following is true:

i) The units employ a minimum of six horsepower per million gallons of treatment volume; and either

ii) The hydraulic retention time of the unit is no longer than five days; or

iii) The hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a hazardous waste by the toxicity characteristic.

B) Generators and treatment, storage, or disposal (TSD) facilities have the burden of proving that their sludges are exempt from listing as F037 or F038 wastes under this definition. Generators and TSD facilities must maintain, in their operating or other on site records, documents and data sufficient to prove the following:

i) The unit is an aggressive biological treatment unit, as defined in this subsection; and

ii) The sludges sought to be exempted from F037 or F038 were actually generated in the aggressive biological treatment unit.

3) Time of Generation. For the purposes of the designated waste, the "time of generation" is defined as follows:

A) For the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

B) For the F038 listing:

i) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement; and

ii) Floats are considered to be generated at the moment they are formed in the top of the unit.

4) For the purposes of the F019 hazardous waste listing, the following apply to wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process:

A) "Motor vehicle manufacturing" is defined to include the manufacture of automobiles and light trucks or utility vehicles (including light duty vans, pick-up trucks, minivans, and sport utility vehicles). A facility owner or operator must be engaged in

manufacturing complete vehicles (body and chassis or unibody) or chassis only; and

B) The generator must maintain documentation and information in its on-site records that is sufficient to prove that the wastewater treatment sludge to be exempted from the F019 listing meets the conditions of the listing. These records must include the following information: the volumes of waste generated and disposed of off site; documentation showing when the waste volumes were generated and sent off site; the name and address of the receiving facility; and documentation confirming receipt of the waste by the receiving facility. The generator must maintain these documents on site for no less than three years. The retention period for the documentation is automatically extended during the pendency of any enforcement action or as requested by USEPA or by the Agency in writing.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.132 Hazardous Waste from Specific Sources

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

USEPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Wood Preservation Process Wastes:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	(T)
	Inorganic Pigments Production Wastes:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)

K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

Organic Chemicals Production Wastes:

K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R, T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R, T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)

K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R, T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)

K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C, T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I, T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C, T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)

K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R, T)
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: 1) The sludges are disposed of in a RCRA Subtitle C (42 USC 6921-6939e) or non-hazardous landfill licensed or permitted by a state or the federal government;	(T)

2) The sludges are not otherwise placed on the land prior to final disposal; and

3) The generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Upon a showing by the government that a respondent in any enforcement action brought to enforce the requirements of RCRA Subtitle C managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, the respondent must demonstrate that it meets the conditions of the exclusion that are set forth above. In doing so, the respondent must provide appropriate documentation that the terms of the exclusion were met (e.g., contracts between the generator and the landfill owner or operator, invoices documenting delivery of waste to landfill, etc.).

K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	(T)

Inorganic Chemicals Production Wastes:

K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide).	(E)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed of, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).	(T)

K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.	(T)
K181	Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in subsection (c) that are equal to or greater than the corresponding subsection (c) levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are managed in one of the following ways: 1) They are disposed of in a municipal solid waste landfill unit that is subject to the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402; 2) They are disposed of in a hazardous waste landfill unit that is subject to either 35 Ill. Adm. Code 724.401 or 725.401; 3) They are disposed of in other municipal solid waste landfill units that meet the design criteria in 35 Ill. Adm. Code 811.303 through 811.309 and 811.315 through 811.317 and Subpart E of 35 Ill. Adm. Code 811 or 35 Ill. Adm. Code 814.302 and 814.402, 35 Ill. Adm. Code 724.401, or 35 Ill. Adm. Code 725.401; or 4) They are treated in a combustion unit that is permitted under 415 ILCS 5/39(d), or an onsite combustion unit that is permitted under 415 ILCS 5/39.5. For the purposes of this listing, dyes or pigments production is defined in subsection (b)(1). Subsection (d) describes the process for demonstrating that a facility's nonwastewaters are not K181 waste. This listing does not apply to wastes that are otherwise identified as hazardous under Sections 721.121 through 721.124 and 721.131 through 721.133 at the point of generation. Also, the	(T)

	listing does not apply to wastes generated before any annual mass loading limit is met, as set forth in subsection (c).	
	Pesticides Production Wastes:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)

K099	Untreated wastewater from the production of 2,4-D.	(T)
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C, T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C, T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
	Explosives Production Wastes:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
	Petroleum Refining Wastes:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)

K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media).	(I, T)
	Iron and Steel Production Wastes:	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C, T)
	Primary Aluminum Production Wastes:	
K088	Spent potliners from primary aluminum reduction.	(T)
	Secondary Lead Production Wastes:	
K069	Emission control dust/sludge from secondary lead smelting.	(T)

BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.

K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
	Veterinary Pharmaceuticals Production Wastes:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
	Ink Formulation Wastes:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dryers, soaps and stabilizers containing chromium and lead.	(T)
	Coke Production Wastes:	
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)

K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including, but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

b) Listing-Specific Definition. For the purposes of the K181 hazardous waste listing in subsection (a), "dyes or pigments production" includes manufacture of the following product classes: dyes, pigments, and FDA-certified colors that are in the azo, triarylmethane, perylene, and anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes or pigments manufacturing site, such as wastes from the offsite use, formulation, and packaging of dyes or pigments, are not included in the K181 listing.

c) K181 Listing Levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the

K181 hazardous waste listing in subsection (a), unless the conditions in the K181 hazardous waste listing are met:

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

d) Procedures for Demonstrating That Dyes or Pigments Nonwastewaters Are Not K181 Waste. The procedures described in subsections (d)(1) through (d)(3) and (d)(5) establish when nonwastewaters from the production of dyes or pigments would not be hazardous. (These procedures apply to wastes that are not disposed of in landfill units or treated in combustion units, as specified in subsection (a)). If the nonwastewaters are disposed of in landfill units or treated in combustion units as described in subsection (a), then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 waste listing description, the generator must maintain documentation as described in subsection (d)(4).

1) Determination Based on No K181 Waste Constituents. A generator that has knowledge (e.g., knowledge of constituents in wastes based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed) that its waste contains none of the K181 waste constituents (see subsection (c)) can use its knowledge to determine that its waste is not K181 waste. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

2) Determination for Generated Quantities of 1,000 Tonnes (1,000 Metric Tons) Per Year or Less for Wastes That Contain K181 Waste Constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is 1,000 tonnes or less, the generator can use knowledge of the wastes (e.g., knowledge of constituents in wastes based on prior analytical data or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of subsection (c). To make this determination, the generator must fulfill the following conditions:

A) Each year, the generator must document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 tonnes;

B) The generator must track the actual quantity of nonwastewaters generated from January 1 through December 31 of each calendar year. If, at any time within the year, the actual waste quantity exceeds 1,000 tonnes, the generator must comply with the requirements of subsection (d)(3) for the remainder of that calendar year;

C) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year; and

D) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations were made:

i) The quantity of dyes or pigments nonwastewaters generated;

ii) The relevant process information used; and

iii) The calculations performed to determine annual total mass loadings for each K181 waste constituent in the nonwastewaters during the year.

3) Determination for generated quantities greater than 1,000 tonnes per year for wastes that contain K181 constituents. If the total annual quantity of dyes or pigments nonwastewaters generated is greater than 1,000 tonnes, the generator must perform each of the following steps in order to make a determination that its waste is not K181 waste:

A) The generator must determine which K181 waste constituents (see subsection (c)) are reasonably expected to be present in the wastes based on knowledge of the wastes (e.g., based on prior sampling and analysis data or information about raw materials used, production processes used, and reaction and degradation products formed);

B) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge of the wastes or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge of the wastes, the generator must comply with the procedures for using knowledge of

the wastes described in subsection (d)(2) and keep the records described in subsection (d)(2)(D). For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described in subsection (d)(3)(C);

C) The generator must develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 waste constituents reasonably expected to be present in the wastes. At a minimum, the plan must include the following elements:

i) A discussion of the number of samples needed to characterize the wastes fully;

ii) The planned sample collection method to obtain representative waste samples;

iii) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes; and

iv) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods;

D) The generator must collect and analyze samples in accordance with the waste sampling and analysis plan, and the plan must fulfill the following requirements:

i) The sampling and analysis must be unbiased, precise, and representative of the wastes; and

ii) The analytical measurements must be sufficiently sensitive, accurate, and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (c);

E) The generator must record the analytical results;

F) The generator must record the waste quantity represented by the sampling and analysis results;

G) The genrator must calculate constituent-specific mass loadings (product of concentrations and waste quantity);

H) The generator must keep a running total of the K181 waste constituent mass loadings over the course of the calendar year;

I) The generator must determine whether the mass of any of the K181 waste constituents listed in subsection (c) generated between January 1 and December 31 of any calendar year is below the K181 waste listing levels;

J) The generator must keep the following records on site for the three most recent calendar years in which the hazardous waste determinations are made:

i) The sampling and analysis plan;

ii) The sampling and analysis results (including quality assurance or quality control data);

iii) The quantity of dyes or pigments nonwastewaters generated; and

iv) The calculations performed to determine annual mass loadings; and

K) The generator must conduct non-hazardous waste determinations annually to verify that the wastes remain non-hazardous.

i) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are non-hazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.

ii) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.

iii) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a non-hazardous determination. If testing is reinstated, the generator must retain a description of the process change.

4) Recordkeeping for the Landfill Disposal and Combustion Exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 waste listing description in subsection (a), the

generator must maintain on site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or which meets the landfill design standards set out in the listing description or that the waste was treated in combustion units, as specified in the listing description in subsection (a).

5) Waste Holding and Handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator must store the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the hazardous waste storage requirements of 35 Ill. Adm. Code 722.116 during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded, as described in Section 721.102(a)(2)(A); when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

a) Any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f).

b) Any off-specification commercial chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

c) Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f), unless the container is empty, as defined in Section 721.107(b)(3) or 35 Ill. Adm. Code 726.607.

BOARD NOTE: Unless the residue is being beneficially used or reused; legitimately recycled or reclaimed; or accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be if the residue remains in the container and the container is used to hold the same commercial chemical product or

manufacturing chemical intermediate it previously held. An example of the discard of the residue would be if the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any off-specification chemical product or manufacturing chemical intermediate that, if it met specifications, would have the generic name listed in subsection (e) or (f).

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name" refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use that consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f). If a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f), such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

e) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) are identified as acute hazardous waste (H). These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

Alphabetical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P023	107-20-0	Acetaldehyde, chloro-	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P057	640-19-7	Acetamide, 2-fluoro-	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	

P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P070	116-06-3	Aldicarb	
P203	1646-88-4	Aldicarb sulfone	
P004	309-00-2	Aldrin	
P005	107-18-6	Allyl alcohol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P008	504-24-5	4-Aminopyridine	
P009	131-74-8	Ammonium picrate	(R)
P119	7803-55-6	Ammonium vanadate	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P010	7778-39-4	Arsenic acid H_3AsO_4	
P012	1327-53-3	Arsenic oxide As_2O_3	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic trioxide	
P038	692-42-2	Arsine, diethyl-	
P036	696-28-6	Arsonous dichloride, phenyl-	
P054	151-56-4	Aziridine	
P067	75-55-8	Aziridine, 2-methyl	
P013	542-62-1	Barium cyanide	
P024	106-47-8	Benzenamine, 4-chloro-	
P077	100-01-6	Benzenamine, 4-nitro-	
P028	100-44-7	Benzene, (chloromethyl)-	
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-	
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-	
P014	108-98-5	Benzenethiol	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)	
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent	
P028	100-44-7	Benzyl chloride	
P015	7440-41-7	Beryllium powder	
P017	598-31-2	Bromoacetone	
P018	357-57-3	Brucine	
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)carbonyl) oxime	

P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)-methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methyl-phenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-

P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-	
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites	
P044	60-51-5	Dimethoate	
P046	122-09-8	α,α-Dimethylphenethylamine	
P047	534-52-1*	4,6-Dinitro-o-cresol and salts	
P048	51-28-5	2,4-Dinitrophenol	
P020	88-85-7	Dinoseb	
P085	152-16-9	Diphosphoramide, octamethyl-	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P039	298-04-4	Disulfoton	
P049	541-53-7	Dithiobiuret	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P050	115-29-7	Endosulfan	
P088	145-73-3	Endothall	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P042	51-43-4	Epinephrine	
P031	460-19-5	Ethanedinitrile	
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethyl-amino)-N-(((methylamino)carbonyl)-oxy)-2-oxo-, methyl ester	
P066	16752-77-5	Ethanimidothioic acid, N-(((methyl-amino)carbonyl)oxy)-, methyl ester	
P101	107-12-0	Ethyl cyanide	
P054	151-56-4	Ethyleneimine	
P097	52-85-7	Famphur	
P056	7782-41-4	Fluorine	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P198	23422-53-9	Formetanate hydrochloride	
P197	17702-57-7	Formparanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P059	76-44-8	Heptachlor	
P062	757-58-4	Hexaethyl tetraphosphate	
P116	79-19-6	Hydrazinecarbothioamide	
P068	60-34-4	Hydrazine, methyl-	
P063	74-90-8	Hydrocyanic acid	

P063	74-90-8	Hydrogen cyanide	
P096	7803-51-2	Hydrogen phosphide	
P060	465-73-6	Isodrin	
P192	119-38-0	Isolan	
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P196	15339-36-3	Manganese, bis(dimethylcarbamo-dithioato-S,S')-	
P196	15339-36-3	Manganese dimethyldithiocarbamate	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P065	628-86-4	Mercury fulminate	(R, T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P064	624-83-9	Methane, isocyanato-	
P016	542-88-1	Methane, oxybis(chloro-	
P112	509-14-8	Methane, tetranitro-	(R)
P118	75-70-7	Methanethiol, trichloro-	
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)-phenyl)-, monohydrochloride	
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)-carbonyl)oxy)phenyl)-	
P199	2032-65-7	Methiocarb	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	
P066	16752-77-5	Methomyl	
P068	60-34-4	Methyl hydrazine	
P064	624-83-9	Methyl isocyanate	
P069	75-86-5	2-Methyllactonitrile	
P071	298-00-0	Methyl parathion	
P190	1129-41-5	Metolcarb	
P128	315-18-4	Mexacarbate	
P072	86-88-4	α-Naphthylthiourea	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P076	10102-43-9	Nitric oxide	
P077	100-01-6	p-Nitroaniline	

P078	10102-44-0	Nitrogen dioxide	
P076	10102-43-9	Nitrogen oxide NO	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-di-carboxylic acid	
P194	23135-22-0	Oxamyl	
P089	56-38-2	Parathion	
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	
P048	51-28-5	Phenol, 2,4-dinitro-	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate	
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P094	298-02-2	Phorate	
P095	75-44-5	Phosgene	
P096	7803-51-2	Phosphine	
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester	
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl)ester	
P043	55-91-4	Phosphorofluoridic acid, bis(1-methyl-ethyl)ester	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	

P097	52-85-7	Phosphorothioic acid, O-(4-((di-methylamino)sulfonyl)phenyl) O,O-di-methyl ester	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P204	57-47-6	Physostigmine	
P188	57-64-7	Physostigmine salicylate	
P110	78-00-2	Plumbane, tetraethyl-	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Potassium silver cyanide	
P201	2631-37-0	Promecarb	
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P101	107-12-0	Propanenitrile	
P027	542-76-7	Propanenitrile, 3-chloro-	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P017	598-31-2	2-Propanone, 1-bromo-	
P102	107-19-7	Propargyl alcohol	
P003	107-02-8	2-Propenal	
P005	107-18-6	2-Propen-1-ol	
P067	75-55-8	1,2-Propylenimine	
P102	107-19-7	2-Propyn-1-ol	
P008	504-24-5	4-Pyridinamine	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P108	57-24-9*	Strychnine and salts	

P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Tetranitromethane	(R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Thallium (I) sulfate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P045	39196-18-4	Thiofanox	
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	
P014	108-98-5	Thiophenol	
P116	79-19-6	Thiosemicarbazide	
P026	5344-82-1	Thiourea, (2-chlorophenyl)-	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P093	103-85-5	Thiourea, phenyl-	
P123	8001-35-2	Toxaphene	
P185	26419-73-8	Tirpate	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P205	137-30-4	Ziram	

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent	

P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3 percent	
P002	591-08-2	Acetamide, N-(aminothioxomethyl)	
P002	591-08-2	1-Acetyl-2-thiourea	
P003	107-02-8	Acrolein	
P003	107-02-8	2-Propenal	
P004	309-00-2	Aldrin	
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5α,8α,8aβ)-	
P005	107-18-6	Allyl alcohol	
P005	107-18-6	2-Propen-1-ol	
P006	20859-73-8	Aluminum phosphide	(R, T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol	
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-	
P008	504-24-5	4-Aminopyridine	
P008	504-24-5	4-Pyridinamine	
P009	131-74-8	Ammonium picrate	(R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	(R)
P010	7778-39-4	Arsenic acid H_3AsO_4	
P011	1303-28-2	Arsenic oxide As_2O_5	
P011	1303-28-2	Arsenic pentoxide	
P012	1327-53-3	Arsenic oxide As_2O_3	
P012	1327-53-3	Arsenic trioxide	
P013	542-62-1	Barium cyanide	
P014	108-98-5	Benzenethiol	
P014	108-98-5	Thiophenol	
P015	7440-41-7	Beryllium powder	
P016	542-88-1	Dichloromethyl ether	
P016	542-88-1	Methane, oxybis(chloro-	
P017	598-31-2	Bromoacetone	
P017	598-31-2	2-Propanone, 1-bromo-	
P018	357-57-3	Brucine	
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	
P020	88-85-7	Dinoseb	
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	
P021	592-01-8	Calcium cyanide	
P021	592-01-8	Calcium cyanide $Ca(CN)_2$	
P022	75-15-0	Carbon disulfide	
P023	107-20-0	Acetaldehyde, chloro-	
P023	107-20-0	Chloroacetaldehyde	
P024	106-47-8	Benzenamine, 4-chloro-	
P024	106-47-8	p-Chloroaniline	
P026	5344-82-1	1-(o-Chlorophenyl)thiourea	

P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth(2,3-b)-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoridic acid, bis(1-methyl-ethyl)ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl)ester
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methyl-thio)-, O-((methylamino)carbonyl) oxime

P045	39196-18-4	Thiofanox	
P046	122-09-8	Benzeneethanamine, α,α-dimethyl-	
P046	122-09-8	α,α-Dimethylphenethylamine	
P047	534-52-1*	4,6-Dinitro-o-cresol and salts	
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts	
P048	51-28-5	2,4-Dinitrophenol	
P048	51-28-5	Phenol, 2,4-dinitro-	
P049	541-53-7	Dithiobiuret	
P049	541-53-7	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	
P050	115-29-7	Endosulfan	
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide	
P051	72-20-8*	2,7:3,6-Dimethanonaphth(2,3-b)-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-, and metabolites	
P051	72-20-8	Endrin	
P051	72-20-8	Endrin, and metabolites	
P054	151-56-4	Aziridine	
P054	151-56-4	Ethyleneimine	
P056	7782-41-4	Fluorine	
P057	640-19-7	Acetamide, 2-fluoro-	
P057	640-19-7	Fluoroacetamide	
P058	62-74-8	Acetic acid, fluoro-, sodium salt	
P058	62-74-8	Fluoroacetic acid, sodium salt	
P059	76-44-8	Heptachlor	
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1α,4α,4aβ,5β,8β,8aβ)-	
P060	465-73-6	Isodrin	
P062	757-58-4	Hexaethyl tetraphosphate	
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester	
P063	74-90-8	Hydrocyanic acid	
P063	74-90-8	Hydrogen cyanide	
P064	624-83-9	Methane, isocyanato-	
P064	624-83-9	Methyl isocyanate	
P065	628-86-4	Fulminic acid, mercury (2+) salt	(R, T)
P065	628-86-4	Mercury fulminate	(R, T)

P066	16752-77-5	Ethanimidothioic acid, N-(((methyl-amino)carbonyl)oxy)-, methyl ester	
P066	16752-77-5	Methomyl	
P067	75-55-8	Aziridine, 2-methyl	
P067	75-55-8	1,2-Propylenimine	
P068	60-34-4	Hydrazine, methyl-	
P068	60-34-4	Methyl hydrazine	
P069	75-86-5	2-Methyllactonitrile	
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	
P070	116-06-3	Aldicarb	
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	
P071	298-00-0	Methyl parathion	
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	
P072	86-88-4	α-Naphthylthiourea	
P072	86-88-4	Thiourea, 1-naphthalenyl-	
P073	13463-39-3	Nickel carbonyl	
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-	
P074	557-19-7	Nickel cyanide	
P074	557-19-7	Nickel cyanide $Ni(CN)_2$	
P075	54-11-5*	Nicotine, and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)- and salts (excluding patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies)	
P076	10102-43-9	Nitric oxide	
P076	10102-43-9	Nitrogen oxide NO	
P077	100-01-6	Benzenamine, 4-nitro-	
P077	100-01-6	p-Nitroaniline	
P078	10102-44-0	Nitrogen dioxide	
P078	10102-44-0	Nitrogen oxide NO_2	
P081	55-63-0	Nitroglycerine	(R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate-	(R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-	
P082	62-75-9	N-Nitrosodimethylamine	
P084	4549-40-0	N-Nitrosomethylvinylamine	
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-	
P085	152-16-9	Diphosphoramide, octamethyl-	
P085	152-16-9	Octamethylpyrophosphoramide	
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-	
P087	20816-12-0	Osmium tetroxide	

P088	145-73-3	Endothall	
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-di-carboxylic acid	
P089	56-38-2	Parathion	
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	
P092	62-38-4	Mercury, (acetato-O)phenyl-	
P092	62-38-4	Phenylmercury acetate	
P093	103-85-5	Phenylthiourea	
P093	103-85-5	Thiourea, phenyl-	
P094	298-02-2	Phorate	
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	
P095	75-44-5	Carbonic dichloride	
P095	75-44-5	Phosgene	
P096	7803-51-2	Hydrogen phosphide	
P096	7803-51-2	Phosphine	
P097	52-85-7	Famphur	
P097	52-85-7	Phosphorothioic acid, O-(4-((di-methylamino)sulfonyl)phenyl) O,O-di-methyl ester	
P098	151-50-8	Potassium cyanide	
P098	151-50-8	Potassium cyanide KCN	
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium	
P099	506-61-6	Potassium silver cyanide	
P101	107-12-0	Ethyl cyanide	
P101	107-12-0	Propanenitrile	
P102	107-19-7	Propargyl alcohol	
P102	107-19-7	2-Propyn-1-ol	
P103	630-10-4	Selenourea	
P104	506-64-9	Silver cyanide	
P104	506-64-9	Silver cyanide AgCN	
P105	26628-22-8	Sodium azide	
P106	143-33-9	Sodium cyanide	
P106	143-33-9	Sodium cyanide NaCN	
P108	57-24-9*	Strychnidin-10-one, and salts	
P108	57-24-9*	Strychnine and salts	
P109	3689-24-5	Tetraethyldithiopyrophosphate	
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester	
P110	78-00-2	Plumbane, tetraethyl-	
P110	78-00-2	Tetraethyl lead	
P111	107-49-3	Diphosphoric acid, tetraethyl ester	
P111	107-49-3	Tetraethylpyrophosphate	
P112	509-14-8	Methane, tetranitro-	(R)
P112	509-14-8	Tetranitromethane	(R)

P113	1314-32-5	Thallic oxide	
P113	1314-32-5	Thallium oxide Tl_2O_3	
P114	12039-52-0	Selenious acid, dithallium (1+) salt	
P114	12039-52-0	Thallium (I) selenite	
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt	
P115	7446-18-6	Thallium (I) sulfate	
P116	79-19-6	Hydrazinecarbothioamide	
P116	79-19-6	Thiosemicarbazide	
P118	75-70-7	Methanethiol, trichloro-	
P118	75-70-7	Trichloromethanethiol	
P119	7803-55-6	Ammonium vanadate	
P119	7803-55-6	Vanadic acid, ammonium salt	
P120	1314-62-1	Vanadium oxide V_2O_5	
P120	1314-62-1	Vanadium pentoxide	
P121	557-21-1	Zinc cyanide	
P121	557-21-1	Zinc cyanide $Zn(CN)_2$	
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent	(R, T)
P123	8001-35-2	Toxaphene	
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	
P127	1563-66-2	Carbofuran	
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	
P128	315-18-4	Mexacarbate	
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	
P185	26419-73-8	Tirpate	
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo-(2,3-b)indol-5-yl methylcarbamate ester (1:1)	
P188	57-64-7	Physostigmine salicylate	
P189	55285-14-8	Carbamic acid, ((dibutylamino)-thio)-methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	
P189	55285-14-8	Carbosulfan	
P190	1129-41-5	Carbamic acid, methyl-, 3-methyl-phenyl ester	
P190	1129-41-5	Metolcarb	
P191	644-64-4	Carbamic acid, dimethyl-, 1-((dimethyl-amino)carbonyl)-5-methyl-1H-pyrazol-3-yl ester	
P191	644-64-4	Dimetilan	

P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethyl-amino)-N-(((methylamino)carbonyl)-oxy)-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbamo-dithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)-carbonyl)oxy)phenyl)-
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)-carbonyl)oxy)-phenyl)-, monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-((methylamino)carbonyl) oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P205	137-30-4	Ziram

BOARD NOTE: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d), are identified as toxic wastes (T) unless otherwise designated. These wastes and their corresponding USEPA hazardous waste numbers are the following:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by USEPA hazardous waste number.

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U394	30558-43-1	A2213	
U001	75-07-0	Acetaldehyde	(I)
U034	75-87-6	Acetaldehyde, trichloro-	
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U144	301-04-2	Acetic acid, lead (2+) salt	
U214	563-68-8	Acetic acid, thallium (1+) salt	
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	
U002	67-64-1	Acetone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U008	79-10-7	Acrylic acid	(I)
U009	107-13-1	Acrylonitrile	
U011	61-82-5	Amitrole	
U012	62-53-3	Aniline	(I, T)
U136	75-60-5	Arsinic acid, dimethyl-	
U014	492-80-8	Auramine	
U015	115-02-6	Azaserine	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((amino-carbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U280	101-27-9	Barban	
U278	22781-23-3	Bendiocarb	
U364	22961-82-6	Bendiocarb phenol	
U271	17804-35-2	Benomyl	
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U016	225-51-4	Benz(c)acridine	

U017	98-87-3	Benzal chloride	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	
U018	56-55-3	Benz(a)anthracene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis-(N,N-dimethyl-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U328	95-53-4	Benzenamine, 2-methyl-	
U353	106-49-0	Benzenamine, 4-methyl-	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U019	71-43-2	Benzene	(I, T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U037	108-90-7	Benzene, chloro-	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U070	95-50-1	Benzene, 1,2-dichloro-	
U071	541-73-1	Benzene, 1,3-dichloro-	
U072	106-46-7	Benzene, 1,4-dichloro-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	
U017	98-87-3	Benzene, (dichloromethyl)-	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U239	1330-20-7	Benzene, dimethyl-	(I)
U201	108-46-3	1,3-Benzenediol	

U127	118-74-1	Benzene, hexachloro-	
U056	110-82-7	Benzene, hexahydro-	(I)
U220	108-88-3	Benzene, methyl-	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U169	98-95-3	Benzene, nitro-	(I, T)
U183	608-93-5	Benzene, pentachloro-	
U185	82-68-8	Benzene, pentachloronitro-	
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethyl-idene)bis(4-chloro-	
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethyl-idene)bis(4-methoxy-	
U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U021	92-87-5	Benzidene	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate	
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-	
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-di-methyl-	
U064	189-55-9	Benzo(rst)pentaphene	
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less	
U022	50-32-8	Benzo(a)pyrene	
U197	106-51-4	p-Benzoquinone	
U023	98-07-7	Benzotrichloride	(C, R, T)
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-di-chloro-	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-di-methoxy-	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-di-methyl-	
U225	75-25-2	Bromoform	
U030	101-55-3	4-Bromophenyl phenyl ether	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	

U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U031	71-36-3	1-Butanol	(I)
U159	78-93-3	2-Butanone	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U053	4170-30-3	2-Butenal	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U143	303-34-4	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, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	
U031	71-36-3	n-Butyl alcohol	(I)
U136	75-60-5	Cacodylic acid	
U032	13765-19-0	Calcium chromate	
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	
U271	17804-35-2	Carbamic acid, (1-((butylamino)-carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	
U238	51-79-6	Carbamic acid, ethyl ester	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester	
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis-(iminocarbonothioyl))bis-, dimethyl ester	
U097	79-44-7	Carbamic chloride, dimethyl-	
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediyl-bis-, salts and esters	
U062	2303-16-4	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U389	2303-17-5	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	
U279	63-25-2	Carbaryl	
U372	10605-21-7	Carbendazim	
U367	1563-38-8	Carbofuran phenol	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)

U033	353-50-4	Carbon oxyfluoride	(R, T)
U211	56-23-5	Carbon tetrachloride	
U034	75-87-6	Chloral	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U026	494-03-1	Chlornaphazin	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U042	110-75-8	2-Chloroethyl vinyl ether	
U044	67-66-3	Chloroform	
U046	107-30-2	Chloromethyl methyl ether	
U047	91-58-7	β-Chloronaphthalene	
U048	95-57-8	o-Chlorophenol	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Cumene	(I)
U246	506-68-3	Cyanogen bromide CNBr	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U056	110-82-7	Cyclohexane	(I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U057	108-94-1	Cyclohexanone	(I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U058	50-18-0	Cyclophosphamide	
U240	P 94-75-7	2,4-D, salts and esters	
U059	20830-81-3	Daunomycin	
U060	72-54-8	DDD	
U061	50-29-3	DDT	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U078	75-35-4	1,1-Dichloroethylene	

U079	156-60-5	1,2-Dichloroethylene	
U025	111-44-4	Dichloroethyl ether	
U027	108-60-1	Dichloroisopropyl ether	
U024	111-91-1	Dichloromethoxy ethane	
U081	120-83-2	2,4-Dichlorophenol	
U082	87-65-0	2,6-Dichlorophenol	
U084	542-75-6	1,3-Dichloropropene	
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U395	5952-26-1	Diethylene glycol, dicarbamate	
U108	123-91-1	1,4-Diethyleneoxide	
U028	117-81-7	Diethylhexyl phthalate	
U086	1615-80-1	N,N'-Diethylhydrazine	
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U099	540-73-8	1,2-Dimethylhydrazine	
U101	105-67-9	2,4-Dimethylphenol	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	2,6-Dinitrotoluene	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U110	142-84-7	Dipropylamine	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U041	106-89-8	Epichlorohydrin	
U001	75-07-0	Ethanal	(I)
U404	121-44-8	Ethanamine, N,N-diethyl-	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U077	107-06-2	Ethane, 1,2-dichloro-	
U131	67-72-1	Ethane, hexachloro-	

U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U184	76-01-7	Ethane, pentachloro-	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U218	62-55-5	Ethanethioamide	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U410	59669-26-0	Ethanimidothioic acid, N,N'- (thiobis-((methylimino)carbonyloxy))bis-, dimethyl ester	
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethyl-amino)-N-hydroxy-2-oxo-, methyl ester	
U359	110-80-5	Ethanol, 2-ethoxy-	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate	
U004	98-86-2	Ethanone, 1-phenyl-	
U043	75-01-4	Ethene, chloro-	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U210	127-18-4	Ethene, tetrachloro-	
U228	79-01-6	Ethene, trichloro-	
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U238	51-79-6	Ethyl carbamate (urethane)	
U117	60-29-7	Ethyl ether	(I)
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U067	106-93-4	Ethylene dibromide	
U077	107-06-2	Ethylene dichloride	
U359	110-80-5	Ethylene glycol monoethyl ether	
U115	75-21-8	Ethylene oxide	(I, T)
U116	96-45-7	Ethylenethiourea	
U076	75-34-3	Ethylidene dichloride	
U118	97-63-2	Ethyl methacrylate	
U119	62-50-0	Ethyl methanesulfonate	
U120	206-44-0	Fluoranthene	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U147	108-31-6	2,5-Furandione	

U213	109-99-9	Furan, tetrahydro-	(I)
U125	98-01-1	Furfural	(I)
U124	110-00-9	Furfuran	(I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methyl-nitrosoamino)-carbonyl)amino)-	
U126	765-34-4	Glycidylaldehyde	
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	Hexachlorobutadiene	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U243	1888-71-7	Hexachloropropene	
U133	302-01-2	Hydrazine	(R, T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenyl-ethyl-	(R)
U116	96-45-7	2-Imidazolidinethione	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U190	85-44-9	1,3-Isobenzofurandione	
U140	78-83-1	Isobutyl alcohol	(I, T)
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Lead acetate	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U145	7446-27-7	Lead phosphate	
U146	1335-32-6	Lead subacetate	
U129	58-89-9	Lindane	
U163	70-25-7	MNNG	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U149	109-77-3	Malononitrile	
U150	148-82-3	Melphalan	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)

U092	124-40-3	Methanamine, N-methyl-	(I)
U029	74-83-9	Methane, bromo-	
U045	74-87-3	Methane, chloro-	(I, T)
U046	107-30-2	Methane, chloromethoxy-	
U068	74-95-3	Methane, dibromo-	
U080	75-09-2	Methane, dichloro-	
U075	75-71-8	Methane, dichlorodifluoro-	
U138	74-88-4	Methane, iodo-	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U211	56-23-5	Methane, tetrachloro-	
U153	74-93-1	Methanethiol	(I, T)
U225	75-25-2	Methane, tribromo-	
U044	67-66-3	Methane, trichloro-	
U121	75-69-4	Methane, trichlorofluoro-	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U154	67-56-1	Methanol	(I)
U155	91-80-5	Methapyrilene	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)-pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-	
U247	72-43-5	Methoxychlor	
U154	67-56-1	Methyl alcohol	(I)
U029	74-83-9	Methyl bromide	
U186	504-60-9	1-Methylbutadiene	(I)
U045	74-87-3	Methyl chloride	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U226	71-55-6	Methylchloroform	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U068	74-95-3	Methylene bromide	
U080	75-09-2	Methylene chloride	
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U138	74-88-4	Methyl iodide	
U161	108-10-1	Methyl isobutyl ketone	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U164	56-04-2	Methylthiouracil	
U010	50-07-7	Mitomycin C	

U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetra-hydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U167	134-32-7	1-Naphthalenamine	
U168	91-59-8	2-Naphthalenamine	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloro-ethyl)-	
U165	91-20-3	Naphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U166	130-15-4	1,4-Naphthalenedione	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-di-yl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U279	63-25-2	1-Naphthalenol, methylcarbamate	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	β-Naphthylamine	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U171	79-46-9	2-Nitropropane	(I, T)
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U177	684-93-5	N-Nitroso-N-methylurea	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U180	930-55-2	N-Nitrosopyrrolidine	
U181	99-55-8	5-Nitro-o-toluidine	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U115	75-21-8	Oxirane	(I, T)
U126	765-34-4	Oxiranecarboxyaldehyde	
U041	106-89-8	Oxirane, (chloromethyl)-	
U182	123-63-7	Paraldehyde	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
See F027	87-86-5	Pentachlorophenol	
U161	108-10-1	Pentanol, 4-methyl-	(I)

U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U048	95-57-8	Phenol, 2-chloro-	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	Phenol, 2,6-dichloro-	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U052	1319-77-3	Phenol, methyl-	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate	
U170	100-02-7	Phenol, 4-nitro-	
See F027	87-86-5	Phenol, pentachloro-	
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-	
See F027	95-95-4	Phenol, 2,4,5-trichloro-	
See F027	88-06-2	Phenol, 2,4,6-trichloro-	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloroethyl)amino)-	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U189	1314-80-3	Phosphorus sulfide	(R)
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U179	100-75-4	Piperidine, 1-nitroso-	
U192	23950-58-5	Pronamide	
U194	107-10-8	1-Propanamine	(I, T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U149	109-77-3	Propanedinitrile	
U171	79-46-9	Propane, 2-nitro-	(I, T)
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	
U193	1120-71-4	1,3-Propane sultone	
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U002	67-64-1	2-Propanone	(I)
U007	79-06-1	2-Propenamide	

U084	542-75-6	1-Propene, 1,3-dichloro-	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U009	107-13-1	2-Propenenitrile	
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U008	79-10-7	2-Propenoic acid	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U373	122-42-9	Propham	
U411	114-26-1	Propoxur	
See F027	93-72-1	Propionic acid, 2-(2,4,5-trichloro-phenoxy)-	
U194	107-10-8	n-Propylamine	(I, T)
U083	78-87-5	Propylene dichloride	
U387	52888-80-9	Prosulfocarb	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	
U196	110-86-1	Pyridine	
U191	109-06-8	Pyridine, 2-methyl-	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis-(2-chloroethyl)amino)-	
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U200	50-55-5	Reserpine	
U201	108-46-3	Resorcinol	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U015	115-02-6	L-Serine, diazoacetate (ester)	
See F027	93-72-1	Silvex (2,4,5-TP)	
U206	18883-66-4	Streptozotocin	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U189	1314-80-3	Sulfur phosphide	(R)
See F027	93-76-5	2,4,5-T	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Tetrachloroethylene	
See F027	58-90-2	2,3,4,6-Tetrachlorophenol	
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Thallium (I) carbonate	

U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Thallium (I) nitrate	
U218	62-55-5	Thioacetamide	
U410	59669-26-0	Thiodicarb	
U153	74-93-1	Thiomethanol	(I, T)
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U409	23564-05-8	Thiophanate-methyl	
U219	62-56-6	Thiourea	
U244	137-26-8	Thiram	
U220	108-88-3	Toluene	
U221	25376-45-8	Toluenediamine	
U223	26471-62-5	Toluene diisocyanate	(R, T)
U328	95-53-4	o-Toluidine	
U353	106-49-0	p-Toluidine	
U222	636-21-5	o-Toluidine hydrochloride	
U389	2303-17-5	Triallate	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Trichloroethylene	
U121	75-69-4	Trichloromonofluoromethane	
See F027	95-95-4	2,4,5-Trichlorophenol	
See F027	88-06-2	2,4,6-Trichlorophenol	
U404	121-44-8	Triethylamine	
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	
U236	72-57-1	Trypan blue	
U237	66-75-1	Uracil mustard	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U043	75-01-4	Vinyl chloride	
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less	
U239	1330-20-7	Xylene	(I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenz-oyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less	

Numerical Listing

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance	Hazard Code
U001	75-07-0	Acetaldehyde	(I)
U001	75-07-0	Ethanal	(I)
U002	67-64-1	Acetone	(I)
U002	67-64-1	2-Propanone	(I)
U003	75-05-8	Acetonitrile	(I, T)
U004	98-86-2	Acetophenone	
U004	98-86-2	Ethanone, 1-phenyl-	
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	
U005	53-96-3	2-Acetylaminofluorene	
U006	75-36-5	Acetyl chloride	(C, R, T)
U007	79-06-1	Acrylamide	
U007	79-06-1	2-Propenamide	
U008	79-10-7	Acrylic acid	(I)
U008	79-10-7	2-Propenoic acid	(I)
U009	107-13-1	Acrylonitrile	
U009	107-13-1	2-Propenenitrile	
U010	50-07-7	Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-(((amino-carbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα,8β,8aα,8bα))-	
U010	50-07-7	Mitomycin C	
U011	61-82-5	Amitrole	
U011	61-82-5	1H-1,2,4-Triazol-3-amine	
U012	62-53-3	Aniline	(I, T)
U012	62-53-3	Benzenamine	(I, T)
U014	492-80-8	Auramine	
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis-(N,N-dimethyl-	
U015	115-02-6	Azaserine	
U015	115-02-6	L-Serine, diazoacetate (ester)	
U016	225-51-4	Benz(c)acridine	
U017	98-87-3	Benzal chloride	
U017	98-87-3	Benzene, (dichloromethyl)-	
U018	56-55-3	Benz(a)anthracene	
U019	71-43-2	Benzene	(I, T)
U020	98-09-9	Benzenesulfonic acid chloride	(C, R)
U020	98-09-9	Benzenesulfonyl chloride	(C, R)
U021	92-87-5	Benzidene	
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine	
U022	50-32-8	Benzo(a)pyrene	

U023	98-07-7	Benzene, (trichloromethyl)-	(C, R, T)
U023	98-07-7	Benzotrichloride	(C, R, T)
U024	111-91-1	Dichloromethoxy ethane	
U024	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis-(2-chloro-	
U025	111-44-4	Dichloroethyl ether	
U025	111-44-4	Ethane, 1,1'-oxybis(2-chloro-	
U026	494-03-1	Chlornaphazin	
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloro-ethyl)-	
U027	108-60-1	Dichloroisopropyl ether	
U027	108-60-1	Propane, 2,2'-oxybis(2-chloro-	
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	
U028	117-81-7	Diethylhexyl phthalate	
U029	74-83-9	Methane, bromo-	
U029	74-83-9	Methyl bromide	
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	
U030	101-55-3	4-Bromophenyl phenyl ether	
U031	71-36-3	1-Butanol	(I)
U031	71-36-3	n-Butyl alcohol	(I)
U032	13765-19-0	Calcium chromate	
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt	
U033	353-50-4	Carbonic difluoride	(R, T)
U033	353-50-4	Carbon oxyfluoride	(R, T)
U034	75-87-6	Acetaldehyde, trichloro-	
U034	75-87-6	Chloral	
U035	305-03-3	Benzenebutanoic acid, 4-(bis(2-chloroethyl)amino)-	
U035	305-03-3	Chlorambucil	
U036	57-74-9	Chlordane, α and γ isomers	
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	
U037	108-90-7	Benzene, chloro-	
U037	108-90-7	Chlorobenzene	
U038	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	
U038	510-15-6	Chlorobenzilate	
U039	59-50-7	p-Chloro-m-cresol	
U039	59-50-7	Phenol, 4-chloro-3-methyl-	
U041	106-89-8	Epichlorohydrin	
U041	106-89-8	Oxirane, (chloromethyl)-	
U042	110-75-8	2-Chloroethyl vinyl ether	
U042	110-75-8	Ethene, (2-chloroethoxy)-	
U043	75-01-4	Ethene, chloro-	

U043	75-01-4	Vinyl chloride	
U044	67-66-3	Chloroform	
U044	67-66-3	Methane, trichloro-	
U045	74-87-3	Methane, chloro-	(I, T)
U045	74-87-3	Methyl chloride	(I, T)
U046	107-30-2	Chloromethyl methyl ether	
U046	107-30-2	Methane, chloromethoxy-	
U047	91-58-7	β-Chloronaphthalene	
U047	91-58-7	Naphthalene, 2-chloro-	
U048	95-57-8	o-Chlorophenol	
U048	95-57-8	Phenol, 2-chloro-	
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride	
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride	
U050	218-01-9	Chrysene	
U051		Creosote	
U052	1319-77-3	Cresol (Cresylic acid)	
U052	1319-77-3	Phenol, methyl-	
U053	4170-30-3	2-Butenal	
U053	4170-30-3	Crotonaldehyde	
U055	98-82-8	Benzene, (1-methylethyl)-	(I)
U055	98-82-8	Cumene	(I)
U056	110-82-7	Benzene, hexahydro-	(I)
U056	110-82-7	Cyclohexane	(I)
U057	108-94-1	Cyclohexanone	(I)
U058	50-18-0	Cyclophosphamide	
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide	
U059	20830-81-3	Daunomycin	
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy)-α-L-lyxo-hexapyranosyl)oxyl)-7,8,9,10-tetra-hydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethyl-idene)bis(4-chloro-	
U060	72-54-8	DDD	
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethyl-idene)bis(4-chloro-	
U061	50-29-3	DDT	
U062	2303-16-4	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3-dichloro-2-propenyl) ester	
U062	2303-16-4	Diallate	
U063	53-70-3	Dibenz(a,h)anthracene	

U064	189-55-9	Benzo(rst)pentaphene	
U064	189-55-9	Dibenzo(a,i)pyrene	
U066	96-12-8	1,2-Dibromo-3-chloropropane	
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-	
U067	106-93-4	Ethane, 1,2-dibromo-	
U067	106-93-4	Ethylene dibromide	
U068	74-95-3	Methane, dibromo-	
U068	74-95-3	Methylene bromide	
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	
U069	84-74-2	Dibutyl phthalate	
U070	95-50-1	Benzene, 1,2-dichloro-	
U070	95-50-1	o-Dichlorobenzene	
U071	541-73-1	Benzene, 1,3-dichloro-	
U071	541-73-1	m-Dichlorobenzene	
U072	106-46-7	Benzene, 1,4-dichloro-	
U072	106-46-7	p-Dichlorobenzene	
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	
U073	91-94-1	3,3'-Dichlorobenzidine	
U074	764-41-0	2-Butene, 1,4-dichloro-	(I, T)
U074	764-41-0	1,4-Dichloro-2-butene	(I, T)
U075	75-71-8	Dichlorodifluoromethane	
U075	75-71-8	Methane, dichlorodifluoro-	
U076	75-34-3	Ethane, 1,1-dichloro-	
U076	75-34-3	Ethylidene dichloride	
U077	107-06-2	Ethane, 1,2-dichloro-	
U077	107-06-2	Ethylene dichloride	
U078	75-35-4	1,1-Dichloroethylene	
U078	75-35-4	Ethene, 1,1-dichloro-	
U079	156-60-5	1,2-Dichloroethylene	
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-	
U080	75-09-2	Methane, dichloro-	
U080	75-09-2	Methylene chloride	
U081	120-83-2	2,4-Dichlorophenol	
U081	120-83-2	Phenol, 2,4-dichloro-	
U082	87-65-0	2,6-Dichlorophenol	
U082	87-65-0	Phenol, 2,6-dichloro-	
U083	78-87-5	Propane, 1,2-dichloro-	
U083	78-87-5	Propylene dichloride	
U084	542-75-6	1,3-Dichloropropene	
U084	542-75-6	1-Propene, 1,3-dichloro-	
U085	1464-53-5	2,2'-Bioxirane	(I, T)
U085	1464-53-5	1,2:3,4-Diepoxybutane	(I, T)
U086	1615-80-1	N,N'-Diethylhydrazine	
U086	1615-80-1	Hydrazine, 1,2-diethyl-	

U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate	
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester	
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	
U088	84-66-2	Diethyl phthalate	
U089	56-53-1	Diethylstilbestrol	
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	
U090	94-58-6	1,3-Benzodioxole, 5-propyl-	
U090	94-58-6	Dihydrosafrole	
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	
U091	119-90-4	3,3'-Dimethoxybenzidine	
U092	124-40-3	Dimethylamine	(I)
U092	124-40-3	Methanamine, N-methyl-	(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	
U093	60-11-7	p-Dimethylaminoazobenzene	
U094	57-97-6	Benz(a)anthracene, 7,12-dimethyl-	
U094	57-97-6	7,12-Dimethylbenz(a)anthracene	
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	
U095	119-93-7	3,3'-Dimethylbenzidine	
U096	80-15-9	α, α-Dimethylbenzylhydroperoxide	(R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	(R)
U097	79-44-7	Carbamic chloride, dimethyl-	
U097	79-44-7	Dimethylcarbamoyl chloride	
U098	57-14-7	1,1-Dimethylhydrazine	
U098	57-14-7	Hydrazine, 1,1-dimethyl-	
U099	540-73-8	1,2-Dimethylhydrazine	
U099	540-73-8	Hydrazine, 1,2-dimethyl-	
U101	105-67-9	2,4-Dimethylphenol	
U101	105-67-9	Phenol, 2,4-dimethyl-	
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	
U102	131-11-3	Dimethyl phthalate	
U103	77-78-1	Dimethyl sulfate	
U103	77-78-1	Sulfuric acid, dimethyl ester	
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	
U105	121-14-2	2,4-Dinitrotoluene	
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-	
U106	606-20-2	2,6-Dinitrotoluene	

U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	
U107	117-84-0	Di-n-octyl phthalate	
U108	123-91-1	1,4-Diethyleneoxide	
U108	123-91-1	1,4-Dioxane	
U109	122-66-7	1,2-Diphenylhydrazine	
U109	122-66-7	Hydrazine, 1,2-diphenyl-	
U110	142-84-7	Dipropylamine	(I)
U110	142-84-7	1-Propanamine, N-propyl-	(I)
U111	621-64-7	Di-n-propylnitrosamine	
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-	
U112	141-78-6	Acetic acid, ethyl ester	(I)
U112	141-78-6	Ethyl acetate	(I)
U113	140-88-5	Ethyl acrylate	(I)
U113	140-88-5	2-Propenoic acid, ethyl ester	(I)
U114	P 111-54-6	Carbamodithioic acid, 1,2-ethanediyl-bis-, salts and esters	
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters	
U115	75-21-8	Ethylene oxide	(I, T)
U115	75-21-8	Oxirane	(I, T)
U116	96-45-7	Ethylenethiourea	
U116	96-45-7	2-Imidazolidinethione	
U117	60-29-7	Ethane, 1,1'-oxybis-	(I)
U117	60-29-7	Ethyl ether	(I)
U118	97-63-2	Ethyl methacrylate	
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	
U119	62-50-0	Ethyl methanesulfonate	
U119	62-50-0	Methanesulfonic acid, ethyl ester	
U120	206-44-0	Fluoranthene	
U121	75-69-4	Methane, trichlorofluoro-	
U121	75-69-4	Trichloromonofluoromethane	
U122	50-00-0	Formaldehyde	
U123	64-18-6	Formic acid	(C, T)
U124	110-00-9	Furan	(I)
U124	110-00-9	Furfuran	(I)
U125	98-01-1	2-Furancarboxaldehyde	(I)
U125	98-01-1	Furfural	(I)
U126	765-34-4	Glycidylaldehyde	
U126	765-34-4	Oxiranecarboxyaldehyde	
U127	118-74-1	Benzene, hexachloro-	
U127	118-74-1	Hexachlorobenzene	
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexa-chloro-	
U128	87-68-3	Hexachlorobutadiene	

U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-	
U129	58-89-9	Lindane	
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	
U130	77-47-4	Hexachlorocyclopentadiene	
U131	67-72-1	Ethane, hexachloro-	
U131	67-72-1	Hexachloroethane	
U132	70-30-4	Hexachlorophene	
U132	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	
U133	302-01-2	Hydrazine	(R, T)
U134	7664-39-3	Hydrofluoric acid	(C, T)
U134	7664-39-3	Hydrogen fluoride	(C, T)
U135	7783-06-4	Hydrogen sulfide	
U135	7783-06-4	Hydrogen sulfide H_2S	
U136	75-60-5	Arsinic acid, dimethyl-	
U136	75-60-5	Cacodylic acid	
U137	193-39-5	Indeno(1,2,3-cd)pyrene	
U138	74-88-4	Methane, iodo-	
U138	74-88-4	Methyl iodide	
U140	78-83-1	Isobutyl alcohol	(I, T)
U140	78-83-1	1-Propanol, 2-methyl-	(I, T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	
U141	120-58-1	Isosafrole	
U142	143-50-0	Kepone	
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta(cd)-pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloro-octahydro-	
U143	303-34-4	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, (1S-(1α(Z), 7(2S*,3R*), 7aα))-	
U143	303-34-4	Lasiocarpene	
U144	301-04-2	Acetic acid, lead (2+) salt	
U144	301-04-2	Lead acetate	
U145	7446-27-7	Lead phosphate	
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)	
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-	
U146	1335-32-6	Lead subacetate	
U147	108-31-6	2,5-Furandione	
U147	108-31-6	Maleic anhydride	
U148	123-33-1	Maleic hydrazide	
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-	

U149	109-77-3	Malononitrile	
U149	109-77-3	Propanedinitrile	
U150	148-82-3	Melphalan	
U150	148-82-3	L-Phenylalanine, 4-(bis(2-chloro-ethyl)amino)-	
U151	7439-97-6	Mercury	
U152	126-98-7	Methacrylonitrile	(I, T)
U152	126-98-7	2-Propenenitrile, 2-methyl-	(I, T)
U153	74-93-1	Methanethiol	(I, T)
U153	74-93-1	Thiomethanol	(I, T)
U154	67-56-1	Methanol	(I)
U154	67-56-1	Methyl alcohol	(I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	
U155	91-80-5	Methapyrilene	
U156	79-22-1	Carbonochloridic acid, methyl ester	(I, T)
U156	79-22-1	Methyl chlorocarbonate	(I, T)
U157	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	
U157	56-49-5	3-Methylcholanthrene	
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-	
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)	
U159	78-93-3	2-Butanone	(I, T)
U159	78-93-3	Methyl ethyl ketone (MEK)	(I, T)
U160	1338-23-4	2-Butanone, peroxide	(R, T)
U160	1338-23-4	Methyl ethyl ketone peroxide	(R, T)
U161	108-10-1	Methyl isobutyl ketone	(I)
U161	108-10-1	4-Methyl-2-pentanone	(I)
U161	108-10-1	Pentanol, 4-methyl-	(I)
U162	80-62-6	Methyl methacrylate	(I, T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	(I, T)
U163	70-25-7	Guanidine, N-methyl-N’-nitro-N-nitroso-	
U163	70-25-7	MNNG	
U164	56-04-2	Methylthiouracil	
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	
U165	91-20-3	Naphthalene	
U166	130-15-4	1,4-Naphthalenedione	
U166	130-15-4	1,4-Naphthoquinone	
U167	134-32-7	1-Naphthalenamine	
U167	134-32-7	α-Naphthylamine	
U168	91-59-8	2-Naphthalenamine	
U168	91-59-8	β-Naphthylamine	

U169	98-95-3	Benzene, nitro-	(I, T)
U169	98-95-3	Nitrobenzene	(I, T)
U170	100-02-7	p-Nitrophenol	
U170	100-02-7	Phenol, 4-nitro-	
U171	79-46-9	2-Nitropropane	(I, T)
U171	79-46-9	Propane, 2-nitro-	(I, T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	
U172	924-16-3	N-Nitrosodi-n-butylamine	
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	
U173	1116-54-7	N-Nitrosodiethanolamine	
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-	
U174	55-18-5	N-Nitrosodiethylamine	
U176	759-73-9	N-Nitroso-N-ethylurea	
U176	759-73-9	Urea, N-ethyl-N-nitroso-	
U177	684-93-5	N-Nitroso-N-methylurea	
U177	684-93-5	Urea, N-methyl-N-nitroso-	
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester	
U178	615-53-2	N-Nitroso-N-methylurethane	
U179	100-75-4	N-Nitrosopiperidine	
U179	100-75-4	Piperidine, 1-nitroso-	
U180	930-55-2	N-Nitrosopyrrolidine	
U180	930-55-2	Pyrrolidine, 1-nitroso-	
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-	
U181	99-55-8	5-Nitro-o-toluidine	
U182	123-63-7	Paraldehyde	
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	
U183	608-93-5	Benzene, pentachloro-	
U183	608-93-5	Pentachlorobenzene	
U184	76-01-7	Ethane, pentachloro-	
U184	76-01-7	Pentachloroethane	
U185	82-68-8	Benzene, pentachloronitro-	
U185	82-68-8	Pentachloronitrobenzene (PCNB)	
U186	504-60-9	1-Methylbutadiene	(I)
U186	504-60-9	1,3-Pentadiene	(I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	
U187	62-44-2	Phenacetin	
U188	108-95-2	Phenol	
U189	1314-80-3	Phosphorus sulfide	(R)
U189	1314-80-3	Sulfur phosphide	(R)
U190	85-44-9	1,3-Isobenzofurandione	
U190	85-44-9	Phthalic anhydride	
U191	109-06-8	2-Picoline	
U191	109-06-8	Pyridine, 2-methyl-	
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	

U192	23950-58-5	Pronamide	
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide	
U193	1120-71-4	1,3-Propane sultone	
U194	107-10-8	1-Propanamine	(I, T)
U194	107-10-8	n-Propylamine	(I, T)
U196	110-86-1	Pyridine	
U197	106-51-4	p-Benzoquinone	
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione	
U200	50-55-5	Reserpine	
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxy-benzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	
U201	108-46-3	1,3-Benzenediol	
U201	108-46-3	Resorcinol	
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	
U203	94-59-7	Safrole	
U204	7783-00-8	Selenious acid	
U204	7783-00-8	Selenium dioxide	
U205	7488-56-4	Selenium sulfide	(R, T)
U205	7488-56-4	Selenium sulfide SeS_2	(R, T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-	
U206	18883-66-4	D-Glucose, 2-deoxy-2-(((methyl-nitrosoamino)-carbonyl)amino)-	
U206	18883-66-4	Streptozotocin	
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	
U207	95-94-3	1,2,4,5-Tetrachlorobenzene	
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-	
U208	630-20-6	1,1,1,2-Tetrachloroethane	
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-	
U209	79-34-5	1,1,2,2-Tetrachloroethane	
U210	127-18-4	Ethene, tetrachloro-	
U210	127-18-4	Tetrachloroethylene	
U211	56-23-5	Carbon tetrachloride	
U211	56-23-5	Methane, tetrachloro-	
U213	109-99-9	Furan, tetrahydro-	(I)
U213	109-99-9	Tetrahydrofuran	(I)
U214	563-68-8	Acetic acid, thallium (1+) salt	
U214	563-68-8	Thallium (I) acetate	
U215	6533-73-9	Carbonic acid, dithallium (1+) salt	
U215	6533-73-9	Thallium (I) carbonate	
U216	7791-12-0	Thallium (I) chloride	
U216	7791-12-0	Thallium chloride TlCl	
U217	10102-45-1	Nitric acid, thallium (1+) salt	
U217	10102-45-1	Thallium (I) nitrate	

U218	62-55-5	Ethanethioamide	
U218	62-55-5	Thioacetamide	
U219	62-56-6	Thiourea	
U220	108-88-3	Benzene, methyl-	
U220	108-88-3	Toluene	
U221	25376-45-8	Benzenediamine, ar-methyl-	
U221	25376-45-8	Toluenediamine	
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	
U222	636-21-5	o-Toluidine hydrochloride	
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-	(R, T)
U223	26471-62-5	Toluene diisocyanate	(R, T)
U225	75-25-2	Bromoform	
U225	75-25-2	Methane, tribromo-	
U226	71-55-6	Ethane, 1,1,1-trichloro-	
U226	71-55-6	Methylchloroform	
U227	79-00-5	Ethane, 1,1,2-trichloro-	
U227	79-00-5	1,1,2-Trichloroethane	
U228	79-01-6	Ethene, trichloro-	
U228	79-01-6	Trichloroethylene	
U234	99-35-4	Benzene, 1,3,5-trinitro-	(R, T)
U234	99-35-4	1,3,5-Trinitrobenzene	(R, T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)	
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate	
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-((3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	
U236	72-57-1	Trypan blue	
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-(bis-(2-chloroethyl)amino)-	
U237	66-75-1	Uracil mustard	
U238	51-79-6	Carbamic acid, ethyl ester	
U238	51-79-6	Ethyl carbamate (urethane)	
U239	1330-20-7	Benzene, dimethyl-	(I, T)
U239	1330-20-7	Xylene	(I, T)
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	
U240	P 94-75-7	2,4-D, salts and esters	
U243	1888-71-7	Hexachloropropene	
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	
U244	137-26-8	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	
U244	137-26-8	Thiram	
U246	506-68-3	Cyanogen bromide CNBr	

U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethyl-idene)bis(4-methoxy-
U247	72-43-5	Methoxychlor
U248	81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3 percent or less
U248	81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10 percent or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, (1-((butylamino)-carbonyl)-1H-benzimidazol-2-yl)-, methyl ester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-di-methyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methyl-ethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methyl-ethyl)-, S-(2,3,3-trichloro-2-propenyl) ester

U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethyl-amino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, (1,2-phenylenebis-(iminocarbonothioyl))bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'- (thiobis-((methylimino)carbonyloxy))bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methyl-carbamate
U411	114-26-1	Propoxur

(Source: Amended at 44 Ill. Reg. 15142, effective September 3, 2020)

Section 721.135 Wood Preserving Wastes

a) Wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of subsections (b) and (c). These wastes may, however, continue to meet another hazardous waste listing description or may exhibit one or more of the hazardous waste characteristics.

b) Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts and trams, in a manner that minimizes or eliminates the escape of hazardous waste or constituents, leachate, contaminated drippage or hazardous waste decomposition products to the groundwater, surface water, or atmosphere.

1) Generators must do one of the following:

A) Prepare and follow an equipment cleaning plan and clean equipment in accordance with subsection (b)(2); or

B) Prepare and follow an equipment replacement plan and replace equipment in accordance with subsection (b)(3); or

C) Document cleaning and replacement in accordance with subsections (b)(2) and (b)(3), carried out after termination of use of chlorophenolic preservatives.

2) Cleaning requirements.

A) The generator must prepare and sign a written equipment cleaning plan that describes the following:

i) The equipment to be cleaned;

ii) How the equipment will be cleaned;

iii) The solvent to be used in cleaning;

iv) How solvent rinses will be tested; and

v) How cleaning residues will be disposed of.

B) Equipment must be cleaned as follows:

i) Remove all visible residues from process equipment; and

ii) Rinse process equipment with an appropriate solvent until dioxins and dibenzofurans are not detected in the final solvent rinse.

C) Analytical requirements.

i) Rinses must be tested by using an appropriate method.

ii) "Not detected" means at or below the following lower method calibration limit (MCL): the 2,3,7,8-TCDD-based MCL is 0.01 parts per trillion (ppt), using a sample weight of 1000 g, an IS spiking level of 1 ppt, and a final extraction volume of 10 to 50 µℓ. For other congeners, multiply the values by 1 for TCDF, PeCDD, or PeCDF; by 2.5 for HxCDD, HxCDF, HpCDD, or HpCDF; or by 5 for OCDD or OCDF.

D) The generator must manage all residues from the cleaning process as F032 waste.

3) Replacement requirements.

A) The generator must prepare and sign a written equipment replacement plan that describes the following:

i) The equipment to be replaced;

ii) How the equipment will be replaced; and

iii) How the equipment will be disposed of.

B) The generator must manage the discarded equipment as F032 waste.

4) Documentation requirements. The generator must document that previous equipment cleaning and replacement was performed in accordance with subsections (b)(2) and (b)(3) and that the equipment cleaning and replacement occurred after cessation of use of chlorophenolic preservatives.

c) The generator must maintain the following records documenting the cleaning and replacement as part of the facility's operating record:

1) The name and address of the facility;

2) Formulations previously used and the date on which their use ceased in each process at the plant;

3) Formulations currently used in each process at the plant;

4) The equipment cleaning or replacement plan;

5) The name and address of any persons who conducted the cleaning and replacement;

6) The dates on which cleaning and replacement were accomplished;

7) The dates of sampling and testing;

8) A description of the sample handling and preparation techniques used for extraction, containerization, preservation and chain-of-custody of the samples;

9) A description of the tests performed, the date the tests were performed and the results of the tests;

10) The name and model numbers of the instruments used in performing the tests;

11) QA/QC documentation; and

12) The following statement signed by the generator or the generator's authorized representative:

> I certify under penalty of law that all process equipment required to be cleaned or replaced under 35 Ill. Adm. Code 721.135 was cleaned or replaced as represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment.

(Source: Amended at 40 Ill. Reg. 11367, effective August 9, 2016)

SUBPART E: EXCLUSIONS AND EXEMPTIONS

Section 721.138 Exclusion of Comparable Fuel and Syngas Fuel (Repealed)

(Source: Repealed at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.139 Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling

Used, broken CRTs are not solid waste if they meet the following conditions:

a) Prior to CRT Processing. These materials are not solid wastes if they are destined for recycling and they meet the following requirements:

1) Storage. The broken CRTs must be managed in either of the following ways:

A) They are stored in a building with a roof, floor, and walls, or

B) They are placed in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

2) Labeling. Each container in which the used, broken CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tubes—contains leaded glass" or "Leaded glass from televisions or computers". It must also be labeled with the following statement: "Do not mix with other glass materials."

3) Transportation. The used, broken CRTs must be transported in a container meeting the requirements of subsections (a)(1)(B) and (a)(2).

4) Speculative Accumulation and Use Constituting Disposal. The used, broken CRTs are subject to the limitations on speculative accumulation, as defined in subsection (c)(8). If they are used in a manner constituting disposal, they must comply with the applicable requirements of Subpart C of 35 Ill. Adm. Code 726, instead of the requirements of this Section.

5) Exports. In addition to the applicable conditions specified in subsections (a)(1) through (a)(4), an exporter of used, broken CRTs must comply with the following requirements:

A) It must notify the Agency and USEPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or shorter period. The notification must be in writing, signed by the exporter, and include the following information:

i) The name, site~~mailing~~ address, telephone number and USEPA identification number (if applicable) of the exporter of the CRTs.

ii) The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.

iii) The estimated total quantity of CRTs specified in kilograms.

iv) All points of entry to and departure from each foreign country through which the CRTs will pass.

v) A description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.)).

vi) The name and site address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the name of any alternate recycler.

vii) A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.

viii) The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

B) Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS).

C) Upon request by the Agency or USEPA, the exporter must furnish to the Agency and USEPA any additional information which a receiving country requests in order to respond to a notification.

D) USEPA has stated that it will provide a complete notification to the receiving country and any transit countries. A notification is complete when the Agency and USEPA receives a notification that USEPA determines satisfies the requirements of subsection (a)(5)(A).

E) The export of CRTs is prohibited, unless all of the following occur:

i) The receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, USEPA has stated that it will forward a USEPA an Acknowledgment of Consent (AOC) to Export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, USEPA has stated that it will notify the exporter in writing. USEPA has stated that it will also notify the exporter of any responses from transit countries.

ii) The exporter or a U.S. authorized agent must fulfill the requirements of subsection (a)(6).
BOARD NOTE: The Board moved the text of corresponding 40 CFR 261.39(a)(5)(v)(B)(*1*) through (a)(5)(v)(B)(*2*)(*vii*) to appear as subsections (a)(6)(A) through (a)(6)(B)(vii) to comport with codification requirements.

F) When the conditions specified on the original notification change, the exporter must provide the Agency and USEPA with a written renotification of the change using the allowable methods listed in subsection (a)(5)(ii) of this section, except for changes to the telephone number in subsection (a)(5)(A)(i) and decreases in the quantity indicated pursuant to subsection (a)(5)(A)(iii). The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to

information about points of entry and departure and transit countries pursuant to subsections (a)(5)(A)(iv) and (a)(5)(A)(viii)) and the exporter of CRTs receives from USEPA a copy of the AOC to Export CRTs reflecting the receiving country's consent to the changes.

G) A copy of the AOC to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.

H) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify the Agency and USEPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with subsection (a)(5)(F) and obtain another AOC to Export CRTs.

I) An exporter must keep copies of notifications and AOCs to Export CRTs for a period of three years following receipt of the AOC. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted notifications or electronically generated Acknowledgements in the CRT exporter's account on USEPA's WIETS, or its successor system, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No CRT exporter may be held liable for the inability to produce a notification or Acknowledgement for inspection under this section if the CRT exporter can demonstrate that the inability to produce such copies are due exclusively to technical difficulty with USEPA's WIETS, or its successor system for which the CRT exporter bears no responsibility.

J) A CRT exporter must file with USEPA, no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destinations (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. This annual report must also include the following:

i) The name, USEPA identification number (if applicable), and mailing and site address of the exporter;

ii) The calendar year covered by the report;

iii) A certification signed by the CRT exporter that states as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

K) Annual reports must be submitted to the office listed using the allowable methods specified in subsection (a)(5)(B). Exporters must keep copies of each annual report for a period of at least three years fromafter the due date of the report. An exporter may satisfy this recordkeeping requirement by retaining electronically submitted annual reports in the CRT exporter's account on USEPA's WIETS, or its successor system, provided that a copy is readily available for viewing and production if requested by any USEPA or authorized Agency inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this Section if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with USEPA's WIETS, or its successor system for which the CRT exporter bears no responsibility.

BOARD NOTE: The hazardous waste import and export rules define "USEPA Acknowledgement of Consent" in 35 Ill. Adm. Code 722.181.

6) AES Reporting Requirements. The exporter or a U.S. authorized agent must:

A) Submit Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Include the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:

i) The USEPA license code;

ii) The commodity classification code (per 15 CFR 30.6(a)(12));

iii) The USEPA consent number;

iv) The country of ultimate destination (per 15 CFR 30.6(a)(5));;

v) The date of export (per 15 CFR 30.6(a)(2));;

vi) The quantity of waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume (per 15 CFR 30.6(a)(15));; or

vii) The USEPA net quantity reported in units of kilograms, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

BOARD NOTE: The Board moved the text of corresponding 40 CFR 261.39(a)(5)(v)(B)(*1*) through (a)(5)(v)(B)(*2*)(*vii*) to appear as subsections (a)(6)(A) through (a)(6)(B)(vii) to comport with codification requirements.

BOARD NOTE: Corresponding 40 CFR 261.39(a)(5) requires communications relating to export of CRTs between the exporter and USEPA. It is clear that USEPA intends to maintain its central role between the exporter and the export-receiving country and it granting authorization to export. Nevertheless, the Board has required the exporter submit to the Agency also whatever notifications it must submit to USEPA relating to the export. The intent is to facilitate the Agency's efforts towards assurance of compliance with the regulations as a whole, and not to require a separate authorization for export by the Agency.

b) Requirements for used CRT processing. Used, broken CRTs undergoing CRT processing, as defined in 35 Ill. Adm. Code 720.110, are not solid waste if they meet the following requirements:

1) Storage. Used, broken CRTs undergoing CRT processing are subject to the requirement of subsection (a)(4).

2) CRT Processing

A) All activities specified in the second and third paragraphs of the definition of "CRT processing" in 35 Ill. Adm. Code 720.110 must be performed within a building with a roof, floor, and walls; and

BOARD NOTE: The activities specified in the second and third paragraphs of the definition of "CRT processing" are "intentionally

breaking intact CRTs or further breaking or separating broken CRTs" and "sorting or otherwise managing glass removed from CRT monitors".

B) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

c) Glass from CRT processing that is sent to CRT glass making or lead smelting. Glass from CRT processing that is destined for recycling at a CRT glass manufacturer or a lead smelter after CRT processing is not a solid waste unless it is speculatively accumulated, as defined in Section 721.101(c)(8).

d) Use constituting disposal. Glass from CRT processing that is used in a manner constituting disposal must comply with the requirements of Subpart C of 35 Ill. Adm. Code 726 instead of the requirements of this Section.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.140 Conditional Exclusion for Used, Intact CRTs Exported for Recycling

Used, intact CRTs exported for recycling are not solid waste if they meet the notice and consent conditions of Section 721.139(a)(5) and they are not speculatively accumulated, as defined in Section 721.101(c)(8).

(Source: Added at 32 Ill. Reg. 11786, effective July 14, 2008)

Section 721.141 Notification and Recordkeeping for Used, Intact CRTs Exported for Reuse

a) A CRT exporter that exports used, intact CRTs for reuse must send a notification to the Agency and USEPA. This notification may cover export activities extending over a 12-month or lesser period.

1) The notification must be in writing, signed by the exporter, and include the following information:

A) Name, mailing address, telephone number, and USEPA identification number (if applicable) of the exporter of the used, intact CRTs;

B) The estimated frequency or rate at which the used, intact CRTs are to be exported for reuse and the period of time over which they are to be exported;

C) The estimated total quantity of used, intact CRTs specified in kilograms;

D) All points of entry to and departure from each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in that country, and the nature of their handling while there;

E) A description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), types of container (drums, boxes, tanks, etc.));

F) The name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;

G) A description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and

H) A certification signed by the CRT exporter that states as follows:

"I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

2) Notifications submitted by mail should be sent to the following mailing address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Hand-delivered notifications should be sent to the following address:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (Mail Code 2254A)
Environmental Protection Agency
William Jefferson Clinton Building, Room 6144
1200 Pennsylvania Ave., NW
Washington, DC 20004

In either case, the following must be prominently displayed on the front of the envelope:

"Attention: Notification of Intent to Export CRTs".

A notification submitted to the Agency by mail or hand-delivered must be sent to the following mailing address:

Illinois Environmental Protection Agency
Bureau of Land Pollution Control
2520 West Iles Avenue
PO Box 19276
Springfield, Illinois 62794-9276

b) A CRT exporter that exports used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, a CRT exporter of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records, as well as a third-party translation of the normal business records into English, within 30 days after a request by USEPA.

(Source: Amended at 49 Ill. Reg. 12715, effective September 23, 2025)

SUBPART H: FINANCIAL REQUIREMENTS FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section 721.240 Applicability

The requirements of this subpart apply to (1) those areas of an entity managing hazardous secondary materials excluded under Section 721.104(a)(23) or (24) where such materials are generated or accumulated on site, and (2) facilities regulated under the standards at Section 726, subpart Q that receive ignitable spent refrigerant from off-site and that are not transfer facilities that store the refrigerants for less than ten (10) days.

a) A generator of hazardous secondary material, or an intermediate or reclamation facility, that accumulates 6000 kg or less of hazardous secondary material at any

time must comply with §§ 261.410 and 261.411. ~~The requirements of this Subpart H apply to owners or operators of reclamation and intermediate facilities managing hazardous secondary materials excluded under Section 721.104(a)(24), except as provided otherwise in this Section.~~

b) A generator of hazardous secondary material, or an intermediate or reclamation facility that accumulates more than 6000 kg of hazardous secondary material at any time must comply with Sections 721.510 and 721.520. ~~States and the federal government are exempt from the financial assurance requirements of this Subpart H.~~

c) Facilities receiving refrigerant from off-site under Section 726, subpart Q that are not transfer facilities that store the refrigerants for less than ten (10) days must comply with Sections 721.510 and 721.520.

(Source: Added at 34 Ill. Reg. 18611, effective November 12, 2010)

Section 721.241 Definitions of Terms as Used in This Subpart

The terms defined in 35 Ill. Adm. Code 725.241(d), (f), (g), and (h) have the same meaning in this Subpart H as they do in 35 Ill. Adm. Code 725.241.

(Source: Added at 34 Ill. Reg. 18611, effective November 12, 2010)

721.242 Cost Estimate

a) The owner or operator of a reclamation or intermediate facility must have a detailed written estimate, in current dollars, of the cost of disposing of any hazardous secondary material as listed or characteristic hazardous waste, and the potential cost of closing the facility as a treatment, storage, and disposal facility.

1) The estimate must equal the cost of conducting the activities described in this subsection (a) at the point when the extent and manner of the facility's operation would make these activities the most expensive.

2) The cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct these activities. A third party is a party that is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in 35 Ill. Adm. Code 725.241(d).) The owner or operator may use costs for on-site disposal in compliance with applicable requirements if the owner or operator can demonstrate that on-site disposal capacity will always exist over the life of the facility.

3) The cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous secondary materials, or hazardous or non-hazardous wastes (if permitted by the Agency under 35 Ill. Adm.

Code 725.213(d)), facility structures or equipment, land, or other assets associated with the facility.

4) The owner or operator may not incorporate a zero cost for hazardous secondary materials, or hazardous or non-hazardous wastes (if permitted by the Agency under 35 Ill. Adm. Code 725.213(d)) that might have economic value.

b) During the active life of the facility, the owner or operator must adjust the written cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 721.243. An owner or operator that uses the financial test or corporate guarantee must update its cost estimate for inflation within 30 days after the close of the firm's fiscal year and before submitting updated information to the Agency and USEPA under Section 721.243(e)(3). The adjustment may be made by recalculating the cost estimate in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product (Deflator) published by the U.S. Department of Commerce, as specified in subsections (b)(1) and (b)(2). 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 cost estimate by the inflation factor. The result is the adjusted cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: https://apps.bea.gov/itable/?reqid=19&step=2&isuri=1&categories=survey Select: Section 1-Domestic Product and Income

c) During the active life of the facility, the owner or operator must revise the cost estimate within 30 days after a change in a facility's operating plan or design that would increase the costs of conducting the activities described in subsection (a) or within 60 days after an unexpected event that increases the cost of conducting the activities described in subsection (a). The revised cost estimate must be adjusted for inflation, as specified in subsection (b).

d) The owner or operator must keep the following documents at the facility during the operating life of the facility: The latest cost estimate prepared under subsections (a) and (c) and, when this estimate has been adjusted under subsection (b), the latest adjusted cost estimate.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.243 Financial Assurance Condition

As required by Section 721.104(a)(24)(F)(vi), an owner or operator of a reclamation facility or an intermediate facility must have financial assurance as a condition of the exclusion. The owner or operator must choose from the options specified in subsections (a) through (e).

a) Trust Fund

1) An owner or operator may meet the requirements of this Section by establishing a trust fund that complies with this subsection (a) and submitting an originally signed duplicate of the trust agreement to the Agency. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

2) The wording of the trust agreement must be identical to the wording specified by the Agency under Section 721.251, and the trust agreement must be accompanied by a formal certification of acknowledgment, as specified by the Agency under Section 721.251. Schedule A of the trust agreement must be updated within 60 days after any change in the amount of the current cost estimate covered by the agreement.

3) The trust fund must be funded for the full amount of the current cost estimate before it may be relied upon to comply with this Section.

4) Whenever the current cost estimate changes, the owner or operator must compare the new cost estimate with the trustee's most recent annual valuation of the trust fund. Within 60 days after the change in the cost estimate, if the value of the fund is less than the amount of the new cost estimate, the owner or operator must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current cost estimate, or the owner or operator must obtain other financial assurance that complies with this Section to cover the difference.

5) If the value of the trust fund is greater than the total amount of the current cost estimate, the owner or operator may submit a written request to the Agency for release of the amount more than the current cost estimate.

6) If an owner or operator substitutes other financial assurance that complies with this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current cost estimate covered by the trust fund.

7) Within 60 days after receiving a request from the owner or operator for a release of funds, as specified in subsection (a)(5) or (a)(6), the Agency

will instruct the trustee to release to the owner or operator those funds that the Agency specifies in writing. If the owner or operator begins final closure under Subpart G of 35 Ill. Adm. Code 724 or 725, it may request reimbursements for partial or final closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, if the Agency determines that the partial or final closure expenditures conforms to the approved closure plan, or otherwise justified, the Agency will instruct the trustee to make reimbursements in those amounts as the Agency specifies in writing. If the Agency has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, the Agency may withhold reimbursements of those amounts that the Agency deems prudent until the Agency determines, in under 35 Ill. Adm. Code 725.243(i), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make these reimbursements, the Agency must provide to the owner or operator a detailed written statement of reasons.

8) The Agency must agree to terminating the trust fund when either of the following has occurred:

A) The Agency determines that the owner or operator has substituted alternative financial assurance that complies with this Section; or

B) The Agency releases the owner or operator from obligation under this Section in compliance with subsection (i).

b) Surety Bond Guaranteeing Payment into a Trust Fund

1) An owner or operator may comply with this Section by obtaining a surety bond that complies with this subsection (b) and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.
BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis under 31 CFR 223.16. Circular 570 is available on the Internet from the following website: https://www.fiscal.treasury.gov/surety-bonds/circular-570.html.

2) The wording of the surety bond must be identical to the wording specified by the Agency under Section 721.251.

3) The owner or operator that uses a surety bond to comply with this Section must also establish a standby trust fund. Under the terms of the bond, all payments made under the bond will be deposited by the surety directly into the standby trust fund according to the Agency's instructions. This standby trust fund must comply with subsection (a), except that the following also apply:

   A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the surety bond; and

   B) Until the standby trust fund is funded under this Section, the following are not required:

      i) Payments into the trust fund, as specified in subsection (a);

      ii) Updating Schedule A of the trust agreement to show current cost estimates;

      iii) Annual valuations, as required by the trust agreement; and

      iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will undertake one of the following actions:

   A) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum of the bond before loss of the exclusion under Section 721.104(a)(24);

   B) That the owner or operator will fund the standby trust fund in an amount equal to the penal sum within 15 days after an administrative order to begin closure issued by the Agency becomes final, or within 15 days after an order to begin closure is issued by the Board or a court of competent jurisdiction; or

   C) Within 90 days after receipt by both the owner or operator and the Agency of a notice cancelling the bond from the surety, that the owner or operator will provide alternate financial assurance that complies with this Section and obtain the Agency’s written approval of the assurance provided.

5) Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current cost estimate, except as provided in subsection (f).

7) Whenever the current cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current cost estimate and submit evidence of this increase to the Agency, or obtain other financial assurance that complies with this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on the Agency's receipt of evidence of alternate financial assurance that complies with this Section.

c) Letter of Credit

1) An owner or operator may comply with this Section by obtaining an irrevocable standby letter of credit that complies with this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2) The wording of the letter of credit must be identical to the wording specified by the Agency under Section 721.251.

3) An owner or operator that uses a letter of credit to comply with this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid under a draft by the Agency will be deposited by the issuing institution directly into the standby trust fund according to the Agency's instructions. This standby trust fund must comply with subsection (a), except that the following also apply:

A) The owner or operator must submit an originally signed duplicate of the trust agreement to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded under this Section, the following are not required:

i) Payments into the trust fund, as specified in subsection (a);

ii) Updating Schedule A of the trust agreement to show current cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator that refers to the letter of credit by number, issuing institution, and date, and that provides the following information: The USEPA identification number (if any issued), name, and address of the facility, and the amount of funds assured for the facility by the letter of credit.

5) The letter of credit must be irrevocable, and the letter must be issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current cost estimate, except as provided in subsection (f).

7) Whenever the current cost estimate increases to an amount greater than the amount of the credit, within 60 days after the increase, the owner or operator must either cause the amount of the credit to be increased, so that it at least equals the current cost estimate, and submit evidence of this increase to the Agency, or it must obtain other financial assurance that complies with this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current cost estimate following written approval by the Agency.

8) Following a determination by the Agency that the hazardous secondary materials do not meet the conditions of the exclusion set forth in Section 721.104(a)(24), the Agency may draw on the letter of credit.

9) If the owner or operator does not establish alternative financial assurance that complies with this Section and obtain written approval of the alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency may draw on the letter of credit. The Agency may delay the drawing if the issuing institution extends the term of the credit. During the last 30 days after any extension, the Agency may draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance that complies with this Section and obtain written approval of this assurance from the Agency.

10) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) The owner or operator substitutes alternative financial assurance that complies with this Section; or

B) The Agency releases the owner or operator from the requirements of this Section under subsection (i).

d) Insurance

1) An owner or operator may comply with this Section by obtaining insurance that complies with this subsection (d) and submitting a certificate of that insurance to the Agency. At a minimum, the insurer must be 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) The wording of the certificate of insurance must be identical to the wording specified by the Agency under Section 721.251.

3) The insurance policy must be issued for a face amount at least equal to the current cost estimate, except as provided in subsection (f). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The insurance policy must guarantee that funds will be available whenever needed to pay the cost of removal of all hazardous secondary materials from the unit, to pay the cost of decontaminating the unit, and to pay the costs of performing activities required under Subpart G of 35 Ill. Adm. Code 724 or 725, as applicable, for the facilities covered by the policy. The policy must also guarantee that once funds are needed, the insurer will

be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency, to the party or parties as the Agency specifies.

5) After beginning partial or final closure under 35 Ill. Adm. Code 724 or 725, as applicable, an owner or operator or any other authorized person may request reimbursements for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. If the Agency determines that the expenditures are according to the approved plan or are otherwise justified, the Agency must, within 60 days after receiving bills for closure activities, instruct the insurer in writing to make reimbursements in the amounts that the Agency specifies. If the Agency has reason to believe that the maximum cost over the remaining life of the facility will be significantly greater than the face amount of the policy, the Agency may withhold reimbursement of the amounts that the Agency deems prudent until the Agency determines, under subsection (h), that the owner or operator is no longer required to maintain financial assurance for the particular facility. If the Agency does not instruct the insurer to make the reimbursements under this subsection (d)(5), the Agency must provide to the owner or operator a detailed written statement of reasons.

BOARD NOTE: The owner or operator may appeal any Agency determination made under this subsection (d)(5), as provided by Section 40 of the Act.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to the owner or operator terminating the policy, as specified in subsection (d)(10). Failure to pay the premium, without substituting alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations warranting the remedy that is deemed necessary under Sections 31, 39, and 40 of the Act. This violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew the policy due to nonpayment of the premium, rather than upon the date of policy expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. The assignment may be conditioned on consent of the insurer, so long as the policy provides that the insurer may not unreasonably refuse this consent.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy, except for failure to pay the premium. The automatic

renewal of the policy must, at a minimum, provide the insured with the option of renewing at the face amount of the expiring policy. If the owner or operator fails to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days that begin on the date that both the Agency and the owner or operator have received the notice, as evidenced by the return receipts. Cancellation, termination, or failure to renew the policy may not occur, and the policy will remain in full force and effect if on or before the expiration date, one of the following events occurs:

A) The Agency deems the facility abandoned;

B) Conditional exclusion or interim status is lost, terminated, or revoked;

C) Closure is ordered by the Board or a court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 of the U.S. Code (Bankruptcy); or

E) The premium due has been paid.

9) Whenever the owner or operator learns that the current cost estimate has increased to an amount greater than the face amount of the policy, the owner or operator must, within 60 days after learning of the increase, either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of this increase to the Agency, or the owner or operator must obtain other financial assurance that complies with this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current cost estimate after the owner or operator has obtained the written approval of the Agency.

10) The Agency must give written consent that allows the owner or operator to terminate the insurance policy when either of the following events occurs:

A) The Agency has determined that the owner or operator has substituted alternative financial assurance that complies with this Section; or

B) The Agency has released the owner or operator from obligation under this Section under subsection (i).

e) Financial Test and Corporate Guarantee

1) An owner or operator may comply with this Section by demonstrating that the owner or operator passes one of the financial tests specified in this subsection (e). To pass a financial test, the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):

A) Test 1. The owner or operator must have each of the following:

i) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

ii) Net working capital and tangible net worth each at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.

B) Test 2. The owner or operator must have each of the following:

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;

ii) Tangible net worth at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to either at least 90 percent of total assets or at least six times the sum of the current cost estimates and the current plugging and abandonment cost estimates.

2) Definitions as used in subsection (e)(1).

"Current cost estimates" means the following four cost estimates required in the standard letter from the owner's or operator's chief financial officer:

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in subsections (e)(1) through (e)(9);
The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the corporate guarantee specified in subsection (e)(10);
For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart H of 40 CFR 261 or through a financial test deemed by USEPA as equivalent to that in Subpart H of 40 CFR 261; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that complies with the applicable of this Subpart H, Subpart H of 40 CFR 261, or regulations deemed by USEPA as equivalent to Subpart H of 40 CFR 261.

"Current plugging and abandonment cost estimates" means the following four cost estimates required in the standard form of a letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240):

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(a) through (i);

The cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in 35 Ill. Adm. Code 704.219(j);
For facilities in a state outside of Illinois, the cost estimate for each facility for which the owner or operator has demonstrated financial assurance through the financial test specified in Subpart F of 40 CFR 144 or through a financial test deemed by USEPA as equivalent to that in Subpart F of 40 CFR 144; and

The cost estimate for each facility for which the owner or operator has not demonstrated financial assurance to the Agency, USEPA, or a sister state in which the facility is located by any mechanism that complies with the applicable requirements of Subpart G of 35 Ill. Adm. Code 704, Subpart F of 40 CFR 144, or regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144.

BOARD NOTE: Corresponding 40 CFR 261.143(e)(2) defines "current cost estimate" as "the cost estimates required to be shown in paragraphs 1–4 of the letter from the owner's or operator's chief financial officer (Section 261.151(e))" and "current plugging and abandonment cost estimates" as "the cost estimates required to be shown in paragraphs 1–4 of the letter from the owner's or operator's chief financial officer (Section 144.70(f) of this chapter)". The Board has substituted the descriptions of these estimates, using those specified by USEPA in 40 CFR 261.151(e) and 144.70(f), as appropriate. Since the letter of the chief financial officer must include the cost estimates for any facilities that the owner or operator manages outside of Illinois, the Board has referred to the corresponding regulations of those sister states as "regulations deemed by USEPA as equivalent to Subpart F of 40 CFR 144 and Subpart H of 40 CFR 261".

3) To demonstrate that it meets the financial test in subsection (e)(1), the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified by the Agency under Section 721.251 that is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts of the pertinent environmental liabilities included in these financial statements;

B) A copy of an independent certified public accountant's report on examining the owner's or operator's financial statements for the latest completed fiscal year; and

C) If the chief financial officer's letter prepared under subsection (e)(3)(A) includes financial data that shows that the owner or operator meets the test in subsection (e)(1)(A) (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (e)(3)(B)of this Section, or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon

procedures engagement, in compliance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared under subsection (e)(3)(A)), the findings of the comparison, and the reasons for any differences.

4) This subsection (e)(3)(4) corresponds with 40 CFR 261.143(e)(3)(iv), a provision relating to extending the deadline for filing the financial documents required by 40 CFR 261.143(e)(3) until 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.143(e)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.

5) After initially submitting items specified in subsection (e)(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 comprise all three items specified in subsection (e)(3).

6) If the owner or operator no longer complies with subsection (e)(1), it must send notice to the Agency of intent to establish alternative financial assurance that complies with this Section. The owner or operator must send the notice by certified mail 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 requirements. The owner or operator must provide the alternative financial assurance within 120 days after the end of the fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer be complying with subsection (e)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3). If the Agency finds, on the basis of these reports or other information, that the owner or operator no longer complies with subsection (e)(1), the owner or operator must provide alternative financial assurance that meets the requirements of this Section within 30 days after receiving notice of the finding.

8) The Agency must disallow use of the financial tests in this subsection (e) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examining the owner's or operator's financial statements (see subsection (e)(3)(B)) if the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide

alternative financial assurance that complies with this Section within 30 days after receiving notice of Agency disallowance under this subsection (e)(8).

9) The owner or operator is no longer required to submit the items specified in subsection (e)(3) when either of the following events occur:

A) An owner or operator has substituted alternative financial assurance that complies with this Section; or

B) The Agency releases the owner or operator from obligation under this Section under subsection (i).

10) Corporate guarantee for financial responsibility. An owner or operator may comply with this Section by obtaining a written corporate guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements applicable to an owner or operator in subsections (e)(1) through (e)(8), and it must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording specified by the Agency under Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (e)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide as follows:

A) Following a determination by the Agency that the hazardous secondary materials at the owner or operator's facility covered by this guarantee do not meet the conditions of the exclusion under Section 721.104(a)(24), the guarantor must dispose of any hazardous secondary material as hazardous waste and close the facility in compliance with the applicable closure requirements in 35 Ill. Adm. Code 724 or 725, or the guarantor must establish a trust fund in the name of the owner or operator and in the amount of the current cost estimate that complies with subsection (a).

B) The corporate guarantee must remain in force unless the guarantor has sent notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however,

during the 120 days beginning on the date on which both the owner or operator and the Agency have received the notice of cancellation, as evidenced by the return receipts.

C) If the owner or operator fails to provide alternative financial assurance that complies with this Section and obtain the written approval of the alternate assurance from the Agency within 90 days after the date on which both the owner or operator and the Agency have received the notice of cancellation of the corporate guarantee from the guarantor, the guarantor must provide the alternative financial assurance in the name of the owner or operator.

f) Use of Multiple Financial Mechanisms. An owner or operator may comply with this Section by establishing more than one financial mechanism per facility. The mechanisms that an owner or operator may use for this purpose are limited to a trust fund that complies with subsection (a), a surety bond that complies with subsection (b), a letter of credit that complies with subsection (c), and insurance that complies with subsection (d). The mechanisms must individually satisfy the indicated requirements of this Section, except that it is the combination of all mechanisms used by the owner or operator, rather than any individual mechanism, that must provide financial assurance for an aggregated amount at least equal to the current cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. The owner or operator may establish a single standby trust fund for two or more mechanisms. The Agency may use any of the mechanisms to provide care for the facility.

g) Use of a Single Financial Mechanism for Multiple Facilities. An owner or operator may use a single financial assurance mechanism that complies with this Section to comply with this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number (if any), name, address, and the amount of funds assured by the mechanism. If the facilities covered by the mechanism are in more than one Region, USEPA requires the owner of operator to submit and maintain identical evidence of financial assurance with each USEPA Region in which a covered facility is located. The amount of funds available through the mechanism must not be less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through a mechanism for any of the facilities covered by that mechanism, the Agency may direct only that amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

h) Removal and Decontamination Plan for Release from Financial Assurance Obligations

1) An owner or operator of a reclamation facility or an intermediate facility that wishes to be released from its financial assurance obligations under Section 721.104(a)(24)(F)(vi) must submit a plan for removing all hazardous secondary material residues from the facility. The owner or operator must submit the plan to the Agency at least 180 days prior to the date on which the owner or operator expects to cease to operate under the exclusion.

2) The plan must, at a minimum, include the following information:

   A) For each hazardous secondary materials storage unit subject to financial assurance requirements under Section 721.104(a)(24)(F)(vi), the plan must describe how all excluded hazardous secondary materials will be recycled or sent for recycling, and how all residues, contaminated containment systems (liners, etc.), contaminated soils, subsoils, structures, and equipment will be removed or decontaminated as necessary to protect human health and the environment;

   B) The plan must describe the steps necessary to remove or decontaminate all hazardous secondary material residues and contaminated containment system components, equipment, structures, and soils, including procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to protect human health and the environment;

   C) The plan must describe any other activities necessary to protect human health and the environment during this timeframe, including leachate collection, run-on and run-off control, etc.; and

   D) The plan must include a schedule for conducting the activities described that, at a minimum, includes the total time required to remove all excluded hazardous secondary materials for recycling and decontaminate all units subject to financial assurance under Section 721.104(a)(24)(F)(vi) and the time required for intervening activities that will allow tracking of the progress of decontamination.

3) The Agency must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on and request modifications to the plan. The Agency must accept any comments or requests to modify the plan that it receives within 30 days after the date when the notice is published. The Agency must also, in response to a

request or in its discretion, hold a public hearing whenever it determines that a hearing might clarify one or more issues concerning the plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the Agency may combine the two notices.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency does not approve the plan, the Agency must provide the owner or operator with a detailed written statement of reasons for its refusal, and the owner or operator must modify the plan or submit a new plan for approval within 30 days after the owner or operator receives a written statement from the Agency. The Agency must approve or modify this owner- or operator-modified plan in writing within 60 days. If the Agency modifies the owner- or operator-modified plan, this modified plan becomes the approved plan. The Agency must assure that the approved plan is consistent with this subsection (h). A copy of the modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

4) Within 60 days after completing the activities described for each hazardous secondary materials management unit, the owner or operator must submit to the Agency, by registered mail, a certification that all hazardous secondary materials have been removed from the unit and that the unit has been decontaminated in compliance with the specifications in the approved plan. The certification must be signed by the owner or operator and by a qualified Professional Engineer. Upon request, the owner or operator must furnish the Agency with documentation that supports the Professional Engineer's certification, until the Agency releases the owner or operator from the financial assurance requirements of Section 721.104(a)(24)(F)(vi).

i) Releasing the Owner or Operator from Obligation Under This Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that all hazardous secondary materials have been removed from the facility or from a unit at the facility and the facility or unit has been decontaminated according to the approved plan in compliance with subsection (h), the Agency must determine whether or not the owner or operator has accomplished the objectives of removing all hazardous secondary materials from the facility or from a unit at the facility and decontaminating the facility in compliance with the approved plan. If the Agency determines that the owner or operator has accomplished both objectives, the Agency must notify the owner or operator in writing, within the 60 days, that the owner and operator are no longer required under Section 721.104(a)(24)(F)(vi) to maintain financial assurance for that facility or unit at the facility. If the Agency determines that the owner or operator has not accomplished both objectives, it must provide the owner or operator with a detailed written statement of the basis for its determination.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.247 Liability Requirements

a) Coverage for Sudden Accidental Occurrences. The owner or operator of one or more hazardous secondary material reclamation facilities or intermediate facilities that are subject to financial assurance requirements under Section 721.104(a)(24)(F)(vi) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of its facilities. The owner or operator must maintain liability coverage in force 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 as specified in any of subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6).

1) An owner or operator may demonstrate the required liability coverage by having liability insurance that complies with this subsection (a)(1).

A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency under Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency under Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or that is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may comply with this Section by passing a financial test or using the guarantee for liability coverage that complies with subsections (f) and (g).

3) An owner or operator may comply with this Section by obtaining a letter of credit for liability coverage that complies with subsection (h).

4) An owner or operator may comply with this Section by obtaining a surety bond for liability coverage that complies with subsection (i).

5) An owner or operator may comply with this Section by obtaining a trust fund for liability coverage that complies with subsection (j).

6) An owner or operator may demonstrate the required liability coverage by using a combination of insurance under subsections (a)(2) through (a)(5), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee if the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage using a combination of financial assurances under this subsection (a)(6), the owner or operator must specify at least one assurance as "primary" coverage and all other assurance as "excess" coverage.

7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:

   A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (a)(1) through (a)(6);

   B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from operating a hazardous secondary material reclamation facility or intermediate facility is entered between the owner or operator and a third-party claimant for liability coverage established under any of subsections (a)(1) through (a)(6); or

   C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence that arose from operating a hazardous secondary material reclamation facility or intermediate facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage under any of subsections (a)(1) through (a)(6).

BOARD NOTE: Corresponding 40 CFR 261.147(a) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units…or a group of such facilities". The Board has rendered this provision in the singular, intending that it include several facilities as a group if necessary. The Board does not intend to limit the applicability of this provision to

multiple facilities. Note that the Agency can require complying with this provision by a facility to which it would not otherwise apply under subsection (d)(2), subject to the owner's or operator's right to appeal an Agency determination to the Board.

b) Coverage for Non-sudden Accidental Occurrences. An owner or operator of a hazardous secondary material reclamation facility or intermediate facility with land-based units, as defined in Section 720.110, that is used to manage hazardous secondary materials excluded under Section 721.104(a)(24) must demonstrate financial responsibility for bodily injury and property damage to third parties caused by non-sudden accidental occurrences that arise from operations of the facility or group of facilities. The owner or operator must maintain liability coverage for non-sudden 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. An owner or operator that must comply with this Section may combine the required per occurrence coverage levels for sudden and non-sudden accidental occurrences into a single per-occurrence level, and the owner or operator may combine the required annual aggregate coverage levels for sudden and non-sudden accidental occurrences into a single annual aggregate level. An owner or operator that combines coverage levels for sudden and non-sudden accidental occurrences must maintain liability coverage in the amount of at least $4 million per occurrence and $8 million annual aggregate. The owner or operator may demonstrate this liability coverage by any of the means in subsections (b)(1) through (b)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance that complies with this subsection (b)(1).

A) Each insurance policy must be amended by attachment of the Hazardous Secondary Material Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the Hazardous Secondary Material Facility Liability Endorsement must be identical to the wording specified by the Agency under Section 721.251. The wording of the Certificate of Liability Insurance must be identical to the wording specified by the Agency under Section 721.251. The owner or operator must submit a signed duplicate original of the Hazardous Secondary Material Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency. If requested by the Agency, the owner or operator must provide a signed duplicate original of the insurance policy.

B) At a minimum, each insurance policy must be issued by an insurer that is licensed to transact the business of insurance, or that is eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may comply with this Section by passing a financial test or by using the guarantee for liability coverage that complies with subsections (f) and (g).

3) An owner or operator may comply with this Section by obtaining a letter of credit for liability coverage that complies with subsection (h).

4) An owner or operator may comply with this Section by obtaining a surety bond for liability coverage that complies with subsection (i).

5) An owner or operator may comply with this Section by obtaining a trust fund for liability coverage that complies with subsection (j).

6) An owner or operator may demonstrate the required liability coverage by using a combination of insurance under subsections (b)(1) through (b)(5), except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee if the financial statement of the owner or operator is consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated by the combination must total to at least the minimum amounts required for the facility by this Section. If the owner or operator demonstrates the required coverage by using a combination of financial assurances under this subsection (b)(6), the owner or operator must specify at least one assurance as "primary" coverage and all other assurance as "excess" coverage.

7) An owner or operator must notify the Agency in writing within 30 days whenever any of the following events has occurred:

   A) A claim has resulted in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized by any of subsections (b)(1) through (b)(6);

   B) A Certification of Valid Claim for bodily injury or property damages caused by a sudden or non-sudden accidental occurrence arising from operating a hazardous secondary material treatment or storage facility is entered between the owner or operator and a third-party claimant for liability coverage established under any of subsections (b)(1) through (b)(6); or

   C) A final court order that establishes a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence that arose from operating a hazardous secondary material treatment and/or storage facility is issued against the owner or operator or an instrument that is providing financial

assurance for liability coverage under any of subsections (b)(1) through (b)(6).

BOARD NOTE: Corresponding 40 CFR 261.147(b) recites that it applies to "a hazardous secondary material reclamation facility or intermediate facility with land-based units ... or a group of such facilities". The Board has rendered this provision in the singular, intending that it include several facilities as a group if necessary. The Board does not intend to limit the applicability of this provision to multiple facilities. Note that the Agency can require complying with this provision by a facility to which it would not otherwise apply under subsection (d)(2), subject to the owner's or operator's right to appeal an Agency determination to the Board.

c) Petition for Adjusted Standard. If an owner or operator can demonstrate that the level of financial responsibility required by subsection (a) or (b) is not consistent with the degree and duration of risk associated with treatment or storage at a facility, the owner or operator may petition the Board for an adjusted standard under Section 28.1 of the Act. The petition for an adjusted standard must be filed with the Board and submitted in writing to the Agency, as required by 35 Ill. Adm. Code 101 and Subpart D of 35 Ill. Adm. Code 104. If granted, the adjusted standard will take the form of an adjusted level of required liability coverage, this level to be based on the Board's assessment of the degree and duration of risk associated with owning or operating the facility or group of facilities. The owner or operator that requests an adjusted standard must provide the technical and engineering information that is necessary for the Board to determine that an alternative level of financial responsibility to that required by subsection (a) or (b) should apply.

BOARD NOTE: Corresponding 40 CFR 261.147(c) allows application for a "variance" for "the levels of financial responsibility" required for "the facility or group of facilities". The Board has rendered this provision in the singular, intending that it include a single petition pertaining to several facilities as a group. The Board does not intend to limit the applicability of this provision to multiple facilities in a single petition. The Board has chosen the adjusted standard procedure for variance from the level of financial responsibility required by subsection (a) or (b).

d) Adjustments by the Agency

1) If the Agency determines that the level of financial responsibility required by subsection (a) or (b) is not consistent with the degree and duration of risk associated with treatment or storage of hazardous secondary material at a facility, the Agency may adjust the level of financial responsibility required to comply with subsection (a) or (b) to the level that the Agency considers necessary to protect human health and the environment. The

Agency must base this adjusted level on an assessment of the degree and duration of risk associated with owning or operating the facility.

2) In addition, if the Agency determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, pile, or land treatment facility, the Agency may require the owner or operator of the facility to comply with subsection (b).

3) An owner or operator must furnish to the Agency, within a reasonable time, any information that the Agency requests to aid its determination whether cause exists for these adjustments of level or type of coverage.

BOARD NOTE: The owner or operator may appeal any Agency determination made under this subsection (d) under Section 40 of the Act.

e) Release from the Financial Assurance Obligation for a Facility or a Unit at a Facility

1) After an owner or operator has removed all hazardous secondary material from a facility or a unit at a facility and decontaminated the facility or unit at the facility, the owner or operator may submit a written request that the Agency release it from the obligation of subsections (a) and (b) as they apply to the facility or to the unit. The owner or operator and a qualified Professional Engineer must submit with the request certifications stating that all hazardous secondary materials have been removed from the facility or from a unit at the facility, and that the facility or a unit has been decontaminated in compliance with the owner's or operator's Agency-approved Section 721.243(h) plan.

2) Within 60 days after receiving the complete request and certifications described in subsection (e)(1), the Agency must notify the owner or operator in writing of its determination on the request. The Agency must grant the request only if it determines that the owner or operator has removed all hazardous secondary materials from the facility or from the unit at the facility and that the owner or operator has decontaminated the facility or unit in compliance with its Agency-approved Section 721.243(h) plan.

3) After an affirmative finding by the Agency under subsection (e)(2), the owner or operator is no longer required to maintain liability coverage under Section 721.104(a)(24)(F)(vi) for that facility or unit at the facility that is indicated in the written notice issued by the Agency.

BOARD NOTE: The Board has broken the single sentence of corresponding 40 CFR 261.147(e) into five sentences in three subsections in this subsection (e) for

enhanced clarity. The owner or operator may appeal any Agency determination made under this subsection (e) under Section 40 of the Act.

f) Financial Test for Liability Coverage

1) An owner or operator may comply with this Section by demonstrating that it passes one of the financial tests specified in this subsection (f)(1). To pass a financial test, the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):

A) Test 1. The owner or operator must have each of the following:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage that the owner or operator needs to demonstrate by this test;

ii) Tangible net worth of at least $10 million; and

iii) Assets in the United States that amount to either at least 90 percent of the owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

B) Test 2. The owner or operator must have each of the following:

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;

ii) Tangible net worth of at least $10 million;

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 owner's or operator's total assets or at least six times the amount of liability coverage that it needs to demonstrate by this test.

2) Definition

"Amount of liability coverage", as used in subsection (f)(1), refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b) and the annual aggregate amounts for which coverage is required under 35 Ill. Adm. Code 724.247(a) and (b) or 725.247(a) and (b).

3) To demonstrate that it meets the financial test in subsection (f)(1), 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 by the Agency under Section 721.251. If an owner or operator is using the financial test to demonstrate both financial assurance, as specified by Section 721.243(e), and liability coverage, as specified by this Section, the owner or operator must submit the letter specified by the Agency under Section 721.251 for financial assurance to cover both forms of financial responsibility; no separate letter is required for liability coverage;

B) A copy of an independent certified public accountant's report on examining the owner's or operator's financial statements for the latest completed fiscal year; and

C) If the chief financial officer's letter prepared under subsection (f)(3)(A) includes financial data that shows that the owner or operator satisfies the test in subsection (f)(1)(A) (Test 1), and either the data in the chief financial officer's letter are different from the data in the audited financial statements required by subsection (f)(3)(B), or the data are different from any other audited financial statement or data filed with the federal Securities and Exchange Commission, then the owner or operator must submit a special report from its independent certified public accountant. The special report must be based on an agreed-upon procedures engagement, in compliance with professional auditing standards. The report must describe the procedures used to compare the data in the chief financial officer's letter (prepared under subsection (f)(3)(A)), the findings of the comparison, and the reasons for any difference.

4) This subsection (f)(4) corresponds with 40 CFR 261.147(f)(3)(iv), a provision relating to extending the deadline for filing the financial documents required by 40 CFR 261.147(f)(3) until as late as 90 days after the effective date of the federal rule. Thus, the latest date for filing the documents was March 29, 2009, which is now past. See 40 CFR 261.147(f)(3) and 73 Fed. Reg. 64668 (Oct. 30, 2008). This statement maintains structural consistency with the corresponding federal provision.

5) After initially submitting items specified in subsection (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 comprise all three items specified in subsection (f)(3).

6) If the owner or operator no longer complies with of subsection (f)(1), it must obtain insurance (subsection (a)(1), a letter of credit (subsection (h), a surety bond (subsection (i), a trust fund (subsection (j), or a guarantee (subsection (g) for the entire amount of required liability coverage required by this Section. Evidence of liability coverage 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 must disallow use of the financial tests in this subsection (f) on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examining the owner's or operator's financial statements (see subsection (f)(3)(B)) if the Agency determines that those qualifications significantly, adversely affect the owner's or operator's ability to provide its own financial assurance by this mechanism. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate all other kinds of qualifications on an individual basis. The owner or operator must provide evidence of insurance for the entire amount of required liability coverage that complies with this Section within 30 days after receiving notice Agency disallowance under this subsection (f)(7).

g) Corporate Guarantee for Liability Coverage

1) Subject to the limitations of subsection (g)(2), an owner or operator may comply with this Section by obtaining a written guarantee ("guarantee"). The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a sister firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements applicable to an owner or operator in subsections (f)(1) through (f)(6). The wording of the guarantee must be identical to the wording specified by the Agency under Section 721.251. A certified copy of the guarantee must accompany the items sent to the Agency that are required by subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

A) The guarantor must pay full satisfaction, up to the limits of coverage, whenever either of the following events has occurred with regard to liability for bodily injury or property damage to

third parties caused by sudden or non-sudden accidental occurrences (or both) that arose from operating facilities covered by the corporate guarantee:

i) The owner or operator has failed to meet a judgment based on a determination of liability; or

ii) The owner or operator has failed to pay an amount agreed to in settlement of claims arising from or alleged to arise from the injury or damage.

B) This subsection (g)(1)(B) is derived from 40 CFR 261.147(g)(1)(ii), which USEPA has marked as "reserved". This statement maintains structural consistency with the corresponding federal regulations.

BOARD NOTE: Any determination by the Agency under this subsection (g)(1)(B) is subject to Section 40 of the Act. This subsection (g)(1)(B) is derived from 40 CFR 264.141(h) and 265.141(h) (2017).

2) Limitations on Guarantee and Documentation Required

A) If both the guarantor and the owner or operator are incorporated in the United States, a guarantee may be used to comply with this Section only if the Attorneys General or Insurance Commissioners of each of the following states have submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state:

i) The state in which the guarantor is incorporated (if other than the State of Illinois); and

ii) The State of Illinois (as the state in which the facility covered by the guarantee is located).

B) If either the guarantor or the owner or operator is incorporated outside the United States, a guarantee may be used to comply with this Section only if both of the following has occurred:

i) The non-U.S. corporation has identified a registered agent for service of process in the State of Illinois (as the state in which the facility covered by the guarantee is located) and in the state in which it has its principal place of business (if other than the State of Illinois); and

ii) The Attorney General or Insurance Commissioner of the State of Illinois (as the state in which a facility covered by the guarantee is located) and the state in which the guarantor corporation has its principal place of business (if other than the State of Illinois) has submitted a written statement to the Agency that a guarantee executed as described in this Section is a legally valid and enforceable obligation in that state.

C) The facility owner or operator and the guarantor must provide the Agency with all documents that are necessary and adequate to support an Agency determination that the required substantial business relationship exists adequate to support the guarantee.

BOARD NOTE: The Board added documentation to this subsection (g)(2)(C) to ensure that the owner and operator ensures all information necessary for an Agency determination is submitted to the Agency. The information required would include copies of any contracts and other documents that establish the nature, extent, and duration of the business relationship; any statements of competent legal opinion, signed by an attorney duly licensed to practice law in each of the jurisdictions referred to in the applicable of subsection (g)(2)(A) or (g)(2)(B), that would support a conclusion that the business relationship is adequate consideration to support the guarantee in the pertinent jurisdiction; a copy of the documents required by subsection (g)(2)(A)(ii) or (g)(2)(B)(ii); documents that identify the registered agent, as required by subsection (g)(2)(B)(i); and any other documents requested by the Agency that are reasonably necessary to make a determination that a substantial business relationship exists, as defined in subsection (g)(1)(A).

h) Letter of Credit for Liability Coverage

1) An owner or operator may comply with this Section by obtaining an irrevocable standby letter of credit that complies with this subsection (h) and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

3) The wording of the letter of credit must be identical to the wording specified by the Agency under Section 721.251.

4) An owner or operator that uses a letter of credit to comply with Section may also establish a standby trust fund. Under the terms of this letter of credit, all amounts paid under a draft by the trustee of the standby trust fund must be deposited by the issuing institution into the standby trust fund complying with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

5) The wording of the standby trust fund must be identical to the wording specified by the Agency under Section 721.251.

i) Surety Bond for Liability Coverage

1) An owner or operator may comply with this Section by obtaining a surety bond that complies with this subsection (i) and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in the most recent Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis under 31 CFR 223.16. Circular 570 is available on the Internet at the following website: http://www.fiscal.treasury.gov/surety-bonds/circular-570.html.

3) The wording of the surety bond must be identical to the wording specified by the Agency under Section 721.251.

4) A surety bond may be used to comply with this Section only if the Attorneys General or Insurance Commissioners of the following states have submitted a written statement to the Agency that a surety bond executed as described in this Section is a legally valid and enforceable obligation in that state:

A) The state in which the surety is incorporated; and

B) The State of Illinois (as the state in which the facility covered by the surety bond is located).

j) Trust Fund for Liability Coverage

1) An owner or operator may comply with this Section by establishing a trust fund that complies with this subsection (j) and submitting an originally signed duplicate of the trust agreement to the Agency.

2) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to comply with this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of the liability coverage that the owner or operator must provide, the owner or operator must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or the owner or operator must obtain other financial assurance that complies with this Section to cover the difference. If the owner or operator must either add sufficient funds or obtain other financial assurance, it must do so before the anniversary date of the establishment of the trust fund. For this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden or non-sudden occurrences that the owner or operator must provide under this Section, less the amount of financial assurance for liability coverage that the owner or operator has provided by other financial assurance mechanisms to demonstrate financial assurance.

4) The wording of the trust fund must be identical to the wording specified by the Agency under Section 721.251.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions

a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding pursuant to Title 11 of the United States Code (Bankruptcy) that names the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee undertaken to satisfy the requirements of Section 721.243(e) must make such a notification if it is named as debtor, as required under the terms of the corporate guarantee.

b) An owner or operator that satisfies the requirements of Section 721.243 or 721.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or in the event of a suspension or revocation of the authority of the trustee institution to act as trustee

or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

(Source: Added at 34 Ill. Reg. 18611, effective November 12, 2010)

Section 721.249 Use of State-Required Mechanisms

This Section corresponds with 40 CFR 261.149, which pertains to USEPA approval of state-endorsed instruments for providing financial assurance. The Board directs attention to that federal provision without duplicating its requirements here, since it is important to regulated entities in Illinois, although it does not impose requirements necessary as a matter of State law.

(Source: Added at 34 Ill. Reg. 18611, effective November 12, 2010)

Section 721.250 State Assumption of Responsibility

This Section corresponds with 40 CFR 261.150, which pertains to USEPA approval of state financial assurance requirements and the assumption of responsibility by a state. The Board directs attention to that federal provision without duplicating its requirements here, since USEPA approval of the Illinois requirements is important to regulated entities in Illinois, although the federal provision does not impose requirements necessary as a matter of State law.

(Source: Added at 34 Ill. Reg. 18611, effective November 12, 2010)

Section 721.251 Wording of the Instruments

The Agency must promulgate standardized forms for financial assurance instruments based on 40 CFR 261.151 (Wording of the Instruments), incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart H must do so only upon the standardized forms for financial assurance instruments promulgated by the Agency. The Agency must reject any financial assurance instrument that does not comport with the Agency-promulgated standardized forms.

(Source: Added at 34 Ill. Reg. 18611, effective November 12, 2010)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 721.270 Applicability

This Subpart I applies to hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27) and stored in containers.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.271 Condition of Containers

If a container holding hazardous secondary material is not in good condition (e.g., the container has severe rusting, apparent structural defects, etc.) or if the container begins to leak, the hazardous secondary material must be transferred from this container to a container that is in good condition or managed in some other way that complies with the requirements of this Part.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.272 Compatibility of Hazardous Secondary Materials with Containers

A container holding hazardous secondary material must be made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous secondary material to be stored, so that the ability of the container to contain the material is not impaired.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.273 Management of Containers

a) A container holding hazardous secondary material must always be closed during storage, except when it is necessary to add or remove the hazardous secondary material.

b) A container holding hazardous secondary material must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.275 Secondary Containment

a) Container storage areas must have a secondary containment system that is designed and operated in accordance with subsection (b).

b) A secondary containment system must be designed and operated as follows:

1) A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

2) The base must be sloped or the secondary containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

3) The secondary containment system must have sufficient capacity to contain ten percent of the volume of containers or the volume of the largest container, whichever is greater;

4) Run-on into the secondary containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in subsection (b)(3) to contain any run-on which might enter the system; and

5) Spilled or leaked material and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the secondary collection system.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.276 Special Requirements for Ignitable or Reactive Hazardous Secondary Material

Containers holding ignitable or reactive hazardous secondary material must be located at least 15 meters (50 feet) from the facility's property line.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.277 Special Requirements for Incompatible Materials

a) Incompatible materials must not be placed in the same container.

b) Hazardous secondary material must not be placed in an unwashed container that previously held an incompatible material.

c) A storage container holding a hazardous secondary material that is incompatible with any other materials stored nearby must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.279 Air Emission Standards

The remanufacturer or other person that stores or treats the hazardous secondary material must manage all hazardous secondary material placed in a container in accordance with the applicable requirements of Subparts AA, BB, and CC.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

SUBPART J: TANK SYSTEMS

Section 721.290 Applicability

a) The requirements of this Subpart J apply to tank systems for storing or treating hazardous secondary material excluded under the remanufacturing exclusion at Section 721.104(a)(27).

b) Tank systems, including sumps, as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous secondary materials are exempted from the requirements in Section 721.293(a).

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.291 Assessment of Existing Tank System's Integrity

a) A tank system must meet the secondary containment requirements of Section 721.293, or the remanufacturer or other person that handles the hazardous secondary material must determine that the tank system is not leaking or is unfit for use. Except as provided in subsection (c), a written assessment reviewed and certified by a qualified Professional Engineer must be kept on file at the remanufacturer's facility or other facility that stores or treats the hazardous secondary material that attests to the tank system's integrity.

b) The qualified Professional Engineer's assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the materials to be stored or treated, to ensure that the tank system will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

1) Design standards, if available, according to which the tank system and ancillary equipment were constructed;

2) Hazardous characteristics of the materials that have been and will be handled;

3) Existing corrosion protection measures;

4) Documented age of the tank system, if available (otherwise, an estimate of the age); and

5) Results of a leak test, internal inspection, or other tank system integrity examination such that:

A) For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of

temperature variations, tank end deflection, vapor pockets, and high water table effects; and

B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination that is certified by a qualified Professional Engineer that addresses cracks, leaks, corrosion, and erosion.

BOARD NOTE: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks", 4th edition, 1981, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting other than a leak test.

c) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of Section 721.296.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.293 Containment and Detection of Releases

a) The following must be true of a secondary containment system:

1) The system is designed, installed, and operated to prevent any migration of materials or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

2) The system is capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

BOARD NOTE: If the collected material is a hazardous waste under this Part, the material is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 728. If the collected material is discharged through a point source to waters of the United States, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of 35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 35 Ill. Adm. Code 750.410 and federal 40 CFR 302.6.

b) To meet the requirements of subsection (a), a secondary containment system must fulfill the following requirements:

1) The secondary containment system must be constructed of or lined with materials that are compatible with the materials to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the material to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);

2) The secondary containment system must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

3) The secondary containment system must be provided with a leak-detection system that is designed and operated so that the system will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous secondary material or accumulated liquid in the secondary containment system at the earliest practicable time; and

4) The secondary containment system must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked material and accumulated precipitation must be removed from the secondary containment system in as timely a manner as is possible, but in no case later than 24 hours after the leak, spill, or accumulation of precipitation occurs, to prevent harm to human health and the environment.

c) Secondary containment for tanks must include one or more of the following devices:

1) A liner (external to the tank);

2) A vault; or

3) A double-walled tank.

d) In addition to the requirements of subsections (a), (b), and (c), secondary containment systems must satisfy the following requirements:

1) An external liner system must fulfill the following requirements:

A) The secondary containment system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

B) The secondary containment system must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) The secondary containment system must be free of cracks or gaps; and

D) The secondary containment system must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the material if the material is released from the tanks (i.e., capable of preventing lateral as well as vertical migration of the material).

2) A vault system must fulfill the following requirements:

A) The vault system must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

B) The vault system must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) The vault system must be constructed with chemical-resistant water stops in place at all joints (if any);

D) The vault system must be provided with an impermeable interior coating or lining that is compatible with the stored material and that will prevent migration of material into the concrete;

E) The vault system must be provided with a means to protect against the formation of and ignition of vapors within the vault, if the material being stored or treated is ignitable or reactive; and

F) The vault system must be provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration

of moisture into the vault if the vault is subject to hydraulic pressure.

3) A double-walled tank must fulfill the following requirements:

A) The double-walled tank must be designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) The double-walled tank must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

C) The double-walled tank must be provided with a built-in continuous leak detection system capable of detecting a release at the earliest practicable time, but in no case later than 24 hours after the release occurs.

BOARD NOTE: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.

e) This subsection (e) corresponds with 40 CFR 261.194(e), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.

f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (a) and (b), except for the following equipment:

1) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

3) Seal-less or magnetic coupling pumps and seal-less valves that are visually inspected for leaks on a daily basis; and

4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.294 General Operating Requirements

a) Hazardous secondary materials or treatment reagents must not be placed in a tank system if the materials or reagents could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include, at a minimum, the following controls and practices:

1) Spill prevention controls (e.g., check valves, dry disconnect couplings, etc.);

2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

c) The remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements of Section 721.296 if a leak or spill occurs in the tank system.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or that is unfit for use, must be removed from service immediately, and the remanufacturer or other person that stores or treats the hazardous secondary material must satisfy the following requirements:

a) Cessation of use; prevent flow or addition of materials. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately stop the flow of hazardous secondary material into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of material from tank system or secondary containment system.

1) If the release was from the tank system, the remanufacturer or other person that stores or treats the hazardous secondary material must, within

24 hours after detection of the leak or, if the remanufacturer or other person that stores or treats the hazardous secondary material demonstrates that it is not possible, at the earliest practicable time, remove as much of the material as is necessary to prevent further release of hazardous secondary material to the environment and to allow inspection and repair of the tank system to be performed.

2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.

c) Containment of visible releases to the environment. The remanufacturer or other person that stores or treats the hazardous secondary material must immediately conduct a visual inspection of the release and, based upon that inspection:

1) The remanufacturer must prevent further migration of the leak or spill to soils or surface water; and

2) The remanufacturer must remove, and properly dispose of, any visible contamination of the soil or surface water.

d) Notifications, reports.

1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency and the Administrator of USEPA Region 5 within 24 hours of its detection. If the release has been reported pursuant to 40 CFR 302, that report will satisfy the requirement to notify USEPA, but the release must still be reported to the Agency.

2) A leak or spill of hazardous secondary material is exempted from the requirements of this subsection (d) if the following is true of the leak or spill:

A) The leak or spill is less than or equal to a quantity of one pound; and

B) The leak or spill is immediately contained and cleaned up.

3) Within 30 days after detection of a release to the environment, a report containing the following information must be submitted to the Agency and the Administrator of USEPA Region 5:

A) The likely route of migration of the release;

B) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

C) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency and the Administrator of USEPA Region 5 as soon as the results become available;

D) The proximity to downgradient drinking water, surface water, and populated areas; and

E) A description of response actions taken or planned.

e) Provision of secondary containment, repair, or closure.

1) Unless the remanufacturer or other person that stores or treats the hazardous secondary material satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must cease to operate under the remanufacturing exclusion at Section 721.104(a)(27).

2) If the cause of the release was a spill that has not damaged the integrity of the tank system, the remanufacturer or other person that stores or treats the hazardous secondary material may return the tank system to service as soon as the released material is removed and repairs, if necessary, are made.

3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the primary tank system must be repaired prior to returning the tank system to service.

4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the remanufacturer or other person that stores or treats the hazardous secondary material must provide the component of the tank system from which the leak occurred with secondary containment that satisfies the requirements of Section 721.293 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or on-ground tank), the entire component must be provided with secondary

containment in accordance with Section 721.193 prior to being returned to use.

f) Certification of major repairs. If the remanufacturer or other person that stores or treats the hazardous secondary material has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel, etc.), the tank system must not be returned to service, unless the remanufacturer or other person that stores or treats the hazardous secondary material has obtained a certification by a qualified Professional Engineer that the repaired system is capable of handling hazardous secondary materials without release for the intended life of the system. This certification must be kept on file at the facility and maintained until closure of the facility.

BOARD NOTE: USEPA stated in note 1 appended to corresponding 40 CFR 261.196 that the Regional Administrator may, on the basis of any information received that there is or has been a release of hazardous secondary material or hazardous constituents into the environment, issue an order under RCRA section 7003(a) (42 USC 6973(a)) requiring corrective action or such other response as deemed necessary to protect human health or the environment. USEPA stated in note 2 appended to corresponding 40 CFR 261.196 that 40 CFR 302 may require the owner or operator to notify the National Response Center of certain releases.

(Source: Amended at 43 Ill. Reg. 5884, May 2, 2019)

Section 721.297 Termination of Remanufacturing Exclusion

Hazardous secondary material stored in units more than 90 days after the unit ceases to operate under the remanufacturing exclusion at Section 721.104(a)(27) or otherwise ceases to be operated for manufacturing, or for storage of a product or a raw material, then becomes subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, 705, and 721 through 728, as applicable.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.298 Special Requirements for Ignitable or Reactive Materials

a) Ignitable or reactive material must not be placed in a tank system, unless the material is stored or treated in such a way that it is protected from any material or conditions that may cause the material to ignite or react.

b) The remanufacturer or other person that stores or treats hazardous secondary material that is ignitable or reactive must store or treat the hazardous secondary material in a tank system that is in compliance with the requirements for the maintenance of protective distances between the material management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection

Association's "Flammable and Combustible Liquids Code", incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.299 Special Requirements for Incompatible Materials

a) Incompatible materials must not be placed together in the same tank system.

b) Hazardous secondary material must not be placed in a tank system that has not been decontaminated and that previously held an incompatible material.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.300 Air Emission Standards

The remanufacturer or other person that stores or treats the hazardous secondary material must manage all hazardous secondary material placed in a tank in accordance with the applicable requirements of Subparts AA, BB, and CC.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

SUBPART M: EMERGENCY PREPAREDNESS AND RESPONSE FOR MANAGEMENT OF EXCLUDED HAZARDOUS SECONDARY MATERIALS

Section 721.500 Applicability

The requirements of Subpart M apply to (1) those areas of an entity managing hazardous secondary materials excluded under Section 721.104(a)(23) or (a)(24) where such~~hazardous secondary~~ materials are generated or accumulated on site, ~~,~~ and (2) facilities regulated under the standards in Section 726 subpart Q that receive ignitable spent refrigerant from off-site and that are not transfer facilities that store refrigerants for less than ten (10) days.

a) A generator of hazardous secondary material, or an intermediate or reclamation facility operating, that accumulates 6,000 kg or less of hazardous secondary material at any time must comply with Sections 721.510 and 721.511.

b) A generator of hazardous secondary material, or an intermediate or reclamation facility that accumulates more than 6,000 kg of hazardous secondary material at any time must comply with Sections 721.510 and 721.520.

c) Facilities receiving refrigerant from off-site under Section 726 subpart Q that are not transfer facilities that store the refrigerants for less than ten (10) days must comply with Sections 721.510 and 721.520.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.510 Preparedness and Prevention

a) Maintaining and Operating the Facility. Facilities generating or accumulating hazardous secondary material must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous secondary materials or hazardous secondary material constituents to air, soil, or surface water that could threaten human health or the environment.

b) Required Equipment. All facilities generating or accumulating hazardous secondary material must be equipped with the following, unless none of the hazards posed by hazardous secondary material handled at the facility could require a particular kind of equipment specified below:

1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

2) A device, like a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

3) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, like those using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

4) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

c) Testing and Maintenance of Equipment. The owner or operator must test and maintain all required facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment as necessary to assure its proper operation in time of emergency.

d) Access to Communications or Alarm System

1) Whenever hazardous secondary material is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the device is not required under subsection (b).

2) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, like a telephone (immediately available at the scene of operation) or a hand-held

two-way radio, capable of summoning external emergency assistance, unless the device is not required under subsection (b).

e) Required Aisle Space. The hazardous secondary material generator or intermediate or reclamation facility must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

f) Arrangements with Local Authorities

1) The hazardous secondary material generator or an intermediate or reclamation facility must attempt to make the following arrangements, as appropriate for the type of waste handled at its facility and the potential need for the services of these organizations:

A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous secondary material handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

B) If more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police department and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

C) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

2) When state or local authorities decline to enter into the arrangements required by this subsection (f), the hazardous secondary material generator or an intermediate or reclamation facility must document the refusal in the operating record.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.511 Emergency Procedures for Facilities Generating or Accumulating 6,000 kg or Less of Hazardous Secondary Material

A generator or an intermediate or reclamation facility that generates or accumulates 6,000 kg or less of hazardous secondary material must comply with the following requirements:

a) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d). This employee is the emergency coordinator.

b) The generator or intermediate or reclamation facility must post the following information next to the telephone:

1) The name and telephone number of the emergency coordinator;

2) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

3) The telephone number of the fire department, unless the facility has a direct alarm.

c) The generator or an intermediate or reclamation facility must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

d) The emergency coordinator or their designee must respond to any emergencies that arise. The applicable responses are as follows:

1) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

2) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

3) In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the generator or an intermediate or reclamation facility has knowledge that a spill has reached surface water, the generator or an intermediate or reclamation facility must immediately notify the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following information:

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

B) The date, time, and type of incident (e.g., spill or fire);

C) The quantity and type of hazardous waste involved in the incident;

D) The extent of injuries, if any; and

E) The estimated quantity and disposition of recovered materials, if any.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.520 Contingency Planning and Emergency Procedures for Facilities Generating or Accumulating More Than 6,000 kg of Hazardous Secondary Material or Receiving Ignitable Spent Refrigerants

A generator or an intermediate or reclamation facility that generates or accumulates more than 6,000 kg of hazardous secondary material, or a facility receiving refrigerant from off-site under Section 726, subpart Q, that is not a transfer facility that stores the refrigerants for less than ten (10) days must comply with the following requirements: ~~A generator or an intermediate or reclamation facility that generates or accumulates more than 6,000 kg of hazardous secondary material must comply with the following requirements:~~

a) Purpose of and Implementing Contingency Plan

1) Each generator or an intermediate or reclamation facility that accumulates more than 6,000 kg of hazardous secondary material must have a contingency plan for its facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water.

2) The provisions of the contingency plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous secondary material or hazardous secondary material constituents that could threaten human health or the environment.

b) Content of Contingency Plan

1) The contingency plan must describe the actions facility personnel must take to comply with subsections (a) and (f) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous secondary material or hazardous secondary material constituents to air, soil, or surface water at the facility.

2) If the generator or an intermediate or reclamation facility accumulating more than 6,000 kg of hazardous secondary material has already prepared

a Spill Prevention, Control, and Countermeasures (SPCC) Plan under 40 CFR 112, or some other emergency or contingency plan, the facility needs only amend that plan to incorporate hazardous secondary material management provisions that are sufficient to comply with this Part. The hazardous secondary material generator or an intermediate or reclamation facility may develop one contingency plan that meets all regulatory requirements. When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

BOARD NOTE: USEPA has recommended that the contingency plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").

3) The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, under 35 Ill. Adm. Code 722.510(f).

4) The contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (e)), and this list must be kept up to date. If more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

5) The contingency plan must include a list of all emergency equipment at the facility (like fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), if this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each emergency equipment item on the list, and a brief outline of its capabilities.

6) The contingency plan must include an evacuation plan for facility personnel if there is a possibility that evacuation could be necessary. This evacuation plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (if the primary routes could be blocked by releases of hazardous secondary material or fires).

c) Copies of Contingency Plan. The facility owner or operator must do as follows with the contingency plan and all revisions to the plan:

1) Maintain a copy at the facility; and

2) Submit a copy to every local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services.

d) Amendment of Contingency Plan. The facility owner or operator must review and immediately amend its contingency plan, if necessary, whenever any of the following occurs:

1) Applicable regulations are revised;

2) The plan fails in an emergency;

3) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous secondary material or hazardous secondary material constituents, or the facility changes the response necessary in an emergency;

4) The list of emergency coordinators changes; or

5) The list of emergency equipment changes.

e) Emergency Coordinator. At all times, there must be at least one employee, either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time), with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous secondary materials handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan. The emergency coordinator's responsibilities are more fully spelled out in subsection (f). Applicable responsibilities for the emergency coordinator vary, depending on factors like type and variety of hazardous secondary materials handled by the facility, and type and complexity of the facility.

f) Emergency Procedures

1) Whenever there is an imminent or actual emergency, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

A) Activate internal facility alarms or communication systems, when applicable, to notify all facility personnel; and

B) Notify appropriate State or local agencies with designated response roles if their help is needed.

2) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

3) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

4) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health, or the environment, outside the facility, the emergency coordinator must report its findings as follows:

A) If the emergency coordinator's assessment indicates that evacuating local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

B) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following information:

i) The name and telephone number of the reporter;

ii) The name and address of facility;

iii) The time and type of incident (e.g., release, fire);

iv) The name and quantity of materials involved, to the extent known;

v) The extent of injuries, if any; and

vi) The possible hazards to human health, or the environment, outside the facility.

5) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous secondary material at the facility. These measures must include, when applicable, stopping processes and operations, collecting, and containing released material, and removing or isolating containers.

6) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

7) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered secondary material, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the hazardous secondary material generator can demonstrate, in compliance with Section 721.103(c) or (d), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage the recovered material in compliance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

8) The emergency coordinator must ensure that the following has occurred in the affected areas of the facility:

A) Any secondary material that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

9) The hazardous secondary material generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the emergency coordinator must submit a written report on the incident to the Regional Administrator. The report must include the following information:

A) The name, address, and telephone number of the hazardous secondary material generator;

B) The name, address, and telephone number of the facility;

C) The date, time, and type of incident (e.g., fire, explosion, etc.);

D) The name and quantity of materials involved;

E) The extent of injuries, if any;

F) An assessment of actual or potential hazards to human health or the environment, when this is applicable; and

G) The estimated quantity and disposition of recovered material that resulted from the incident.

g) Personnel Training. All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 721.930 Applicability

The regulations in this Subpart AA apply to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or stream stripping operations that manage hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27) with organic concentrations of at least 10 ppmw (parts per million by weight), unless the process vents are equipped with operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.931 Definitions

As used in this Subpart AA, all terms not defined in this Section will have the meaning given them in section 1004 of the Resource Conservation and Recovery Act, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers, and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

“Bottoms receiver” means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

“Closed-vent system” means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

“Condenser” means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

“Connector” means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

“Continuous recorder” means a data-recording device recording an instantaneous data value at least once every 15 minutes.

“Control device” means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

“Control device shutdown” means the cessation of operation of a control device for any purpose.

“Distillate receiver” means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

“Distillation operation” means an operation, either batch or continuous, separating one or more feed streams into two or more exit streams, each exit stream having component concentrations different from those in the feed streams. The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

“Double block and bleed system” means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

“Equipment” means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange or other connector, and any control devices or systems required by this Subpart AA.

“Flame zone” means the portion of the combustion chamber in a boiler occupied by the flame envelope.

“Flow indicator” means a device that indicates whether gas flow is present in a vent stream.

“First attempt at repair” means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

“Fractionation operation” means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

“Hazardous secondary material management unit shutdown” means a work practice or operational procedure that stops operation of a hazardous secondary material management unit or part of a hazardous secondary material management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous secondary material management unit or part of a hazardous secondary material management unit for less than 24 hours is not a hazardous secondary material management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous secondary material management unit shutdowns.

“Hot well” means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

“In gas/vapor service” means that the piece of equipment contains or contacts a hazardous secondary material stream that is in the gaseous state at operating conditions.

“In heavy liquid service” means that the piece of equipment is not in gas/vapor service or in light liquid service.

“In light liquid service” means that the piece of equipment contains or contacts a material stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20 °C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20 °C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

“In situ sampling systems” means non-extractive samplers or in-line samplers.

“In vacuum service” means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

“Malfunction” means any sudden failure of a control device or a hazardous secondary material management unit or failure of a hazardous secondary material management unit to operate in a normal or usual manner, so that organic emissions are increased.

“Open-ended valve or line” means any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous secondary material and one side open to the atmosphere, either directly or through open piping.

“Pressure release” means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

“Process heater” means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

“Process vent” means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous secondary material distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

“Repaired” means that equipment is adjusted, or otherwise altered, to eliminate a leak.

“Sampling connection system” means an assembly of equipment within a process or material management unit used during periods of representative operation to take samples of the process or material fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

“Sensor” means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

“Separator tank” means a device used for separation of two immiscible liquids.

“Solvent extraction operation” means an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

“Startup” means the setting in operation of a hazardous secondary material management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly into the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.932 Standards: Process Vents

a) The remanufacturer or other person that stores or treats hazardous secondary materials in hazardous secondary material management units with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous secondary material with organic concentrations of at least 10 ppmw must either:

1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

b) If the remanufacturer or other person that stores or treats the hazardous secondary material installs a closed-vent system and control device to comply with the provisions of subsection (a) the closed-vent system and control device must meet the requirements of Section 721.933.

c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices may be based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 721.934(c).

d) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the procedures in Section 721.934(c) must be used to resolve the disagreement. The Agency must state any disagreement on a determination of vent emissions or emission reductions in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.933 Standards: Closed-Vent Systems and Control Devices

a) Applicability

1) The remanufacturer or other person that stores or treats the hazardous secondary materials in hazardous secondary material management units using closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.

2) This subsection (a)(2) corresponds with 40 CFR 261.1033, which USEPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 721.932(a)(1) for all affected process vents can be attained at an efficiency less than 95 weight percent.

c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 °C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares

1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of five minutes during any two consecutive hours.

2) The owner or operator must operate a flare with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C).

3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2).

4) Exit Velocity

A) A steam-assisted or unassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (C).

B) A steam-assisted or non-assisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

C) A steam-assisted or non-assisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than the velocity, V_{max}, as determined by the method specified in subsection (e)(4), and less than 122 m/s (400 ft/s) is allowed.

5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the method specified in subsection (e)(5).

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or unassisted.

e) Compliance Determination and Equations

1) Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart AA. The observation period is two hours and must be used according to Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K\left[\sum_{i=1}^{n} C_i H_i\right]$$

Where:

H_T = Net heating value of the sample, MJ/scm; if the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mol is 20°C

K = Constant, 1.74×10^{-7} (1/ppm) (g mol/scm) (MJ/kcal) if standard temperature for (g mol/scm) is 20°C

C_i = Concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, and measured for hydrogen and carbon monoxide by ASTM D 1946-90, incorporated by reference in Section 720.111

H_i = Net heat of combustion of sample component i, kcal/g mol at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D 2382–83, incorporated by reference in Section 720.111, if published values are not available or cannot be calculated.

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts) in appendix A to 40 CFR 60 (Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V_{max}, for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log_{10}(V_{max}) = \frac{(H_T + 28.8)}{31.7}$$

Where:

H_T = The net heating value as determined in subsection (e)(2)

5) The maximum allowed velocity in m/s, V_{max}, for an air-assisted flare must be determined by the following equation:

$$V_{max} = 8.706 + 0.7084\ (H_T)$$

Where:

H_T = The net heating value as determined in subsection (e)(2)

f) The remanufacturer or other person that stores or treats the hazardous secondary material must monitor and inspect each control device required to comply with this section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C,

whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameter(s) that indicates good combustion operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5 °C, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device like a fixed-bed carbon adsorber, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with this Section.

g) A remanufacturer or other person that stores or treats hazardous secondary material in a hazardous secondary material management unit using a carbon adsorption system like a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 721.935(b)(4)(C)(vi).

h) A remanufacturer or other person that stores or treats hazardous secondary material in a hazardous secondary material management unit using a carbon adsorption system like a carbon canister that does not regenerate the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 721.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 721.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if it can be demonstrated that another parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) A remanufacturer or other person that stores or treats hazardous secondary material at an affected facility seeking to comply with the provisions of this part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system

must develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) A closed-vent system must meet either of the following design requirements:

1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedure in Section 721.934(b), and by visual inspections; or

2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

l) The remanufacturer or other person that stores or treats the hazardous secondary material must monitor and inspect each closed-vent system required to comply with this section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (k)(1) must be inspected and monitored in compliance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system must be conducted by the remanufacturer or other person that stores or treats the hazardous secondary material on or before the date that the system becomes subject to this section. The remanufacturer or other person that stores or treats the hazardous secondary material must monitor the closed-vent system components and connections using the procedures specified in Section 721.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (l)(1)(A), the remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least

once per year to check for defects that could result in air pollutant emissions. The remanufacturer or other person that stores or treats the hazardous secondary material must monitor a component or connection using the procedures specified in Section 721.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (l)(1)(B)(i) must be monitored annually and at other times as requested by the Agency, except as provided for in subsection (o), using the procedures specified in Section 721.934(b) to demonstrate that the components or connections operate with no detectable emissions. The Agency must make any request for monitoring in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

C) If a defect or leak is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect or leak in compliance with subsection (l)(3).

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection and monitoring in compliance with the requirements specified in Section 721.935.

2) Each closed-vent system that is used to comply with subsection (k)(2) must be inspected and monitored as follows:

A) The closed-vent system must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year.

C) If a defect or leak is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect or the leak in compliance with subsection (l)(3).

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection and monitoring in compliance with the requirements specified in Section 721.935.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection, or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (l)(3)(C).

B) A first attempt at repair must be made within 5 calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the remanufacturer or other person that stores or treats the hazardous secondary material determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of the equipment must be completed by the end of the next process unit shutdown.

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the defect repair in compliance with the requirements specified in Section 721.935.

m) Closed-vent systems and control devices used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to them.

n) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the average volatile organic concentration of the carbon:

1) Regenerated or reactivated in a thermal treatment unit that meets one of the following:

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements Subpart X; or

B) The unit is equipped with and operating air emission controls in compliance with the applicable requirements of Subparts AA and CC or Subparts AA and CC of 35 Ill. Adm. Code 725; or

C) The unit is equipped with and operating air emission controls in compliance with a national emission standard for hazardous air pollutants under 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants) or 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Incinerated in a hazardous waste incinerator for which the owner or operator either:

A) Has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements Subpart O; or

B) Has designed and operates the incinerator in compliance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

3) Burned in a boiler or industrial furnace for which the owner or operator either:

A) Has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements Subpart H of 35 Ill. Adm. Code 726; or

B) Has designed and operates the boiler or industrial furnace in compliance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.

o) Any components of a closed-vent system that are designated, as described in Section 721.935(c)(9), as unsafe to monitor are exempt from subsection (l)(1)(B)(ii) if both of the following conditions are met:

1) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using a closed-vent system determines that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (l)(1)(B)(ii); and

2) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using a closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (l)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.934 Test Methods and Procedures

a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart AA must comply with the test methods and procedural requirements provided in this Section.

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 721.933(l) of this Subpart AA, the test must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be:

A) Zero air (less than 10 ppm of hydrocarbon in air).

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The background level must be determined as set forth in Reference Method 21.

6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

c) Performance tests to determine compliance with Section 721.932(a) and with the total organic compound concentration limit of Section 721.933(c) must comply with the following:

1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

A) Reference Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111 for velocity and volumetric flow rate.

B) Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) or Reference Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, for organic content. If Reference Method 25A is used, the organic HAP used as the calibration gas must be the single organic HAP representing the largest percent by volume of the emissions. The use of Reference Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

C) Each performance test must consist of three separate runs; each run must be conducted for at least one hour under the conditions that exist when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs must apply. The average must be computed on a time-weighted basis.

D) Total organic mass flow rates must be determined by the following equation:

i) For sources utilizing Reference Method 18.

$$E_h = Q_{2sd}\left\{\sum_{i=1}^{n} C_i MW_i\right\}[0.0416][10^{-6}]$$

Where:

E_h = Total organic mass flow rate, kg/h

Q_{2sd} = Volumetric flow rate of gases entering or exiting control device, as determined by Reference Method 2, dscm/h

n = Number of organic compounds in the vent gas

C_i = Organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18

MW_i = Molecular weight of organic compound i in the vent gas, kg/kg-mol

0.0416 = Conversion factor for molar volume, kg-mol/m^3 (@293 K and 760 mm Hg)

10^{-6} = Conversion from ppm

ii) For sources utilizing Reference Method 25A.

$E_h = (Q)(C)(MW)(0.0416)(10^{-6})$

Where:

E_h = Total organic mass flow rate, kg/h

Q = Volumetric flow rate of gases entering or exiting control device, as determined by Reference Method 2, dscm/h

C = Organic concentration in ppm, dry basis, as determined by Reference Method 25A

MW = Molecular weight of propane, 44

0.0416 = Conversion factor for molar volume, kg-mol/m^3 (@293 K and 760 mm Hg)

10^{-6} = Conversion from ppm

E) The annual total organic emission rate must be determined by the following equation:

$E_A = (E_h)(H)$

Where:

E_A = Total organic mass emission rate, kg/y

E_h = Total organic mass flow rate for the process vent, kg/h

H = Total annual hours of operations for the affected unit, h/y

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emission rates (E_h, as determined in subsection (c)(1)(D)) and by summing the annual total organic mass emission rates (E_A, as determined in subsection (c)(1)(E)) for all affected process vents at the facility.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must record process information as necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions for the purpose of a performance test.

3) The remanufacturer or other person that stores or treats the hazardous secondary material at an affected facility must provide, or cause to be provided, performance testing facilities, as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1).

B) Safe sampling platforms.

C) Safe access to sampling platforms.

D) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the control of the remanufacturer or other person that stores or treats the hazardous

secondary material, the Agency may approve compliance determination using the average of the results of the two other runs. The Agency must state any approval or disapproval of a compliance determination in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

d) To show that a process vent associated with a hazardous secondary material distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the remanufacturer or other person that stores or treats the hazardous secondary material must make an initial determination that the time-weighted, annual average total organic concentration of the material managed by the hazardous secondary material management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the material using the following procedures:

A) The remanufacturer or other person that stores or treats the hazardous secondary material must take a minimum of four grab samples of material for each material stream managed in the affected unit under process conditions expected to cause the maximum material organic concentration.

B) For material generated onsite, the grab samples must be collected at a point before the material is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the material after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For material generated offsite, the grab samples must be collected at the inlet to the first material management unit that receives the material provided the material has been transferred to the facility in a closed system such as a tank truck and the material is not diluted or mixed with other material.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060A of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or analyzed for its individual organic constituents.

D) The arithmetic mean of the results of the analyses of the four samples must apply for each material stream managed in the unit in determining the time-weighted, annual average total organic

concentration of the material. The time-weighted average is to be calculated using the annual quantity of each material stream processed and the mean organic concentration of each material stream managed in the unit.

2) Using knowledge of the material to determine that its total organic concentration is less than 10 ppmw. Documentation of the material determination is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the material is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a material stream having a total organic content less than 10 ppmw, or prior speciation analysis results on the same material stream where it can also be documented that no process changes have occurred since that analysis that could affect the material total organic concentration.

e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations manage hazardous secondary materials with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the material is first managed in a hazardous secondary material management unit, whichever is later; and

2) For continuously generated material, annually; or

3) Whenever there is a change in the material being managed or a change in the process that generates or treats the material.

f) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous secondary material with organic concentrations of at least 10 ppmw based on knowledge of the material, the dispute may be resolved by using direct measurement, as specified at subsection (d)(1). The Agency must state any disagreement in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.935 Recordkeeping Requirements

a) Compliance Required

1) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) A remanufacturer or other person that stores or treats the hazardous secondary material of more than one hazardous secondary material management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous secondary material management units in one recordkeeping system if the system identifies each record by each hazardous secondary material management unit.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must keep the following records on-site:

1) For facilities that comply with the provisions of Section 721.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be kept on-site at the facility by the effective date that the facility becomes subject to the provisions of this Subpart AA.

2) Up-to-date documentation of compliance with the process vent standards in Section 721.932, including the following:

A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous secondary material management units on a facility plot plan).

B) Information and data supporting determinations of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. If the remanufacturer or other person that stores or treats the hazardous

secondary material takes any action (e.g., managing a material of different composition or increasing operating hours of affected hazardous secondary material management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

3) Where a remanufacturer or other person that stores or treats the hazardous secondary material chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan must be developed and include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous secondary material management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

B) A detailed engineering description of the closed-vent system and control device, including the following:

i) Manufacturer's name and model number of control device.

ii) Type of control device.

iii) Dimensions of the control device.

iv) Capacity.

v) Construction materials.

C) 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.

4) Documentation of compliance with Section 721.933 must include the following information:

A) A list of all information references and sources used in preparing the documentation.

B) Records, including the dates, of each compliance test required by Section 721.933(k).

C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", incorporated by reference as specified in 35 Ill. Adm. Code 720.111, or other engineering texts acceptable to the Agency that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (b)(4)(C)(vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters, as specified below. The Agency must state whether or not the other engineering texts are acceptable or unacceptable in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time, and description of method and location where the vent stream is introduced into the combustion zone.

iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 721.933(d).

v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis

must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/ drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon.

vii) For a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

D) A statement signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous secondary material management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 721.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission

limits of Section 721.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of this part must be recorded and kept up-to-date at the facility. The information must include the following:

1) Description and date of each modification that is made to the closed-vent system or control device design.

2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 721.933 (f)(1) and (f)(2).

3) Monitoring, operating, and inspection information required by Section 721.933(f) through (k).

4) Date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis, as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760ºC, period when the combustion temperature is below 760ºC.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, period when the combustion zone temperature is more than 28 ºC below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).

C) For a catalytic vapor incinerator, period when either of the following occurs:

i) Temperature of the vent stream at the catalyst bed inlet is more than 28 ºC below the average temperature of the inlet

vent stream established as a requirement of subsection (b)(4)(C)(ii); or

ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).

D) For a boiler or process heater, period when either of the following occurs:

i) Flame zone temperature is more than 28 ºC below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or

ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 721.933(f)(2)(F)(i), period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v).

G) For a condenser that complies with Section 721.933(f)(2)(F)(ii), period when either of the following occurs:

i) Temperature of the exhaust vent stream from the condenser is more than 6 ºC above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v); or

ii) Temperature of the coolant fluid exiting the condenser is more than 6 ºC above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).

H) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 721.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent

greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).

I) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 721.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi).

5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.

6) For a carbon adsorption system operated subject to requirements specified in Section 721.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.

7) For a carbon adsorption system operated subject to requirements specified in Section 721.933(h)(1), a log that records:

A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.

B) Date when existing carbon in the control device is replaced with fresh carbon.

8) Date of each control device startup and shutdown.

9) A remanufacturer or other person that stores or treats the hazardous secondary material designating any components of a closed-vent system as unsafe to monitor pursuant to Section 721.933(o) must record in a log that is kept at the facility the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 721.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

10) When each leak is detected as specified in Section 721.933(l), the following information must be recorded:

A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.

B) The date the leak was detected and the date of first attempt to repair the leak.

C) The date of successful repair of the leak.

D) Maximum instrument reading measured by Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, after it is successfully repaired or determined to be nonrepairable.

E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i) The remanufacturer or other person that stores or treats the hazardous secondary material may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) must be maintained by the owner or operator for at least three years following the date of each occurrence, measurement, maintenance, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify the appropriate recordkeeping requirements. The Agency must specify the appropriate recordkeeping requirements in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 721.932, including supporting documentation as required by Section 721.934(d)(2) when application of the knowledge of the nature of the hazardous secondary material stream or the

process by which it was produced is used, must be recorded in a log that is kept at the facility.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 721.950 Applicability

The regulations in this this Subpart BB apply to equipment that contains hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27), unless the equipment operations are subject to the requirements of an applicable federal Clean Air Act regulation in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Section 9.1(b) and (d) of the Act make the federal new source performance standards and national emission standards for hazardous air pollutants directly applicable in Illinois and prohibit operation of an emission source without a permit issued by the Agency. The Agency issues permits that incorporate the federal new source performance standards and national emission standards for hazardous air pollutants pursuant to Section 39.5 of the Act.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.951 Definitions

As used in this this Subpart BB, all terms will have the meaning given them in Section 721.931; section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6903), incorporated by reference in 35 Ill. Adm. Code 720.111; and 35 Ill. Adm. Code 720 through 726.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.952 Standards: Pumps in Light Liquid Service

a) Monitoring.

1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 721.963(b), except as provided in subsections (d), (e), and (f).

2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks.

1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:

1) Each dual mechanical seal system must be as follows:

A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 721.960; or

C) Equipped with a system that purges the barrier fluid into a hazardous secondary material stream with no detectable emissions to the atmosphere.

2) The barrier fluid system must not be a hazardous secondary material with organic concentrations 10 percent or greater by weight.

3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.

5) Alarms.

A) Each sensor as described in subsection (d)(3) must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

6) Leaks.

A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B), a leak is detected.

B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

C) A first attempt at repair (e.g., relapping the seal) must be made no later than five calendar days after each leak is detected.

e) Any pump that is designated, as described in Section 721.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c), and (d) if the pump meets the following requirements:

1) Must have no externally actuated shaft penetrating the pump housing.

2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 721.963(c).

3) Must be tested for compliance with subsection (e)(2) initially upon designation, annually, and at other times as requested by the Agency. The Agency must request any compliance testing at times other than annually in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 721.960, it is exempt from the requirements of subsections (a) through (e).

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.953 Standards: Compressors

a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i).

b) Each compressor seal system as required in subsection (a) must be:

1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure; or

2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 721.960; or

3) Equipped with a system that purges the barrier fluid into a hazardous secondary material stream with no detectable emissions to atmosphere.

c) The barrier fluid must not be a hazardous secondary material with organic concentrations 10 percent or greater by weight.

d) Each barrier fluid system, as described in subsections (a) through (c), must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

e) Inspections.

1) Each sensor as required in subsection (d) must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2), a leak is detected.

g) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

h) A compressor is exempt from the requirements of subsections (a) and (b) if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 721.960, except as provided in subsection (i).

i) Any compressor that is designated, as described in Section 721.964(g)(2), for no detectable emissions as indicated by an instrument reading of less than 500 ppm above background is exempt from the requirements of subsections (a) through (h) if the compressor:

1) Is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 721.963(c).

2) Is tested for compliance with subsection (i)(1) initially upon designation, annually, and at other times as requested by the Agency. The Agency must request any compliance testing at times other than annually in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.954 Standards: Pressure Relief Devices in Gas/Vapor Service

a) Except during pressure releases, each pressure relief device in gas/vapor service must be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 721.963(c).

b) Actions following pressure release.

1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than five calendar days after each pressure release, except as provided in Section 721.959.

2) No later than five calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 721.963(c).

c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 721.960 is exempt from the requirements of subsections (a) and (b).

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.955 Standards: Sampling Connection Systems

a) Each sampling connection system must be equipped with a closed-purge, closed-loop, or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

b) Each closed-purge, closed-loop, or closed-vent system as required in subsection (a) must meet one of the following requirements:

1) It must return the purged process fluid directly to the process line;

2) It must collect and recycle the purged process fluid; or

3) It must be designed and operated to capture and transport all the purged process fluid to a material management unit that complies with the applicable requirements of Sections 721.984 through 264.986 or a control device that complies with the requirements of Section 721.960.

c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b).

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.956 Standards: Open-Ended Valves or Lines

a) Equipment.

1) Each open-ended valve or line must be equipped with a cap, blind flange, plug, or a second valve.

2) The cap, blind flange, plug, or second valve must seal the open end at all times except during operations requiring hazardous secondary material stream flow through the open-ended valve or line.

b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous secondary material stream end is closed before the second valve is closed.

c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) at all other times.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.957 Standards: Valves in Gas/Vapor Service or in Light Liquid Service

a) Each valve in gas/vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 721.963(b) and must comply with subsections (b) through (e), except as provided in subsections (f), (g), and (h) and Sections 721.961 and 721.962.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Monitoring Frequency.

1) Any valve for which a leak is not detected for two successive months may be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.

2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months,

d) Leak repair.

1) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 721.959.

2) A first attempt at repair must be made no later than five calendar days after each leak is detected.

e) First attempts at repair include, but are not limited to, the following best practices where practicable:

1) Tightening of bonnet bolts.

2) Replacement of bonnet bolts.

3) Tightening of packing gland nuts.

4) Injection of lubricant into lubricated packing.

f) Any valve that is designated, as described in Section 721.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) if the valve:

1) Has no external actuating mechanism in contact with the hazardous secondary material stream.

2) Is operated with emissions less than 500 ppm above background as determined by the method specified in Section 721.963(c).

3) Is tested for compliance with subsection (f)(2) initially upon designation, annually, and at other times as requested by the Agency. The Agency must request any compliance testing at times other than annually in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

g) Any valve that is designated, as described in Section 721.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a) if both of the following conditions are fulfilled:

1) The remanufacturer or other person that stores or treats the hazardous secondary material determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a); and

2) The remanufacturer or other person that stores or treats the hazardous secondary material adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

h) Any valve that is designated, as described in Section 721.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a) if all of the following conditions are fulfilled:

1) The remanufacturer or other person that stores or treats the hazardous secondary material determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;

2) The hazardous secondary material management unit within which the valve is located was in operation before January 13, 2015; and

3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.958 Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors

a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors must be monitored within five days by the method specified in Section 721.963(b) if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 721.959.

2) The first attempt at repair must be made no later than five calendar days after each leak is detected.

d) First attempts at repair include, but are not limited to, the best practices described under Section 721.957(e).

e) Any connector that is inaccessible or which is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) and from the recordkeeping requirements of Section 721.964.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.959 Standards: Delay of Repair

a) Delay of repair of equipment for which leaks have been detected will be allowed if the repair is technically infeasible without a hazardous secondary material management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous secondary material management unit shutdown.

b) Delay of repair of equipment for which leaks have been detected will be allowed for equipment that is isolated from the hazardous secondary material management unit and that does not continue to contain or contact hazardous secondary material with organic concentrations at least 10 percent by weight.

c) Delay of repair for valves will be allowed if:

1) The remanufacturer or other person that stores or treats the hazardous secondary material determines that emissions of purged material resulting

from immediate repair are greater than the emissions likely to result from delay of repair.

2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 721.960.

d) Delay of repair for pumps will be allowed if both of the following conditions are fulfilled:

1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and

2) Repair is completed as soon as practicable, but not later than six months after the leak was detected.

e) Delay of repair beyond a hazardous secondary material management unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the hazardous secondary material management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous secondary material management unit shutdown will not be allowed unless the next hazardous secondary material management unit shutdown occurs sooner than six months after the first hazardous secondary material management unit shutdown.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.960 Standards: Closed-Vent Systems and Control Devices

a) The remanufacturer or other person that stores or treats the hazardous secondary material in a hazardous secondary material management unit using closed-vent systems and control devices subject to this Subpart BB must comply with the provisions of Section 721.933.

b) Implementation Schedule

1) The remanufacturer or other person that stores or treats the hazardous secondary material at an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subpart BB on the effective date that the facility becomes subject to the provisions of this Subpart BB must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective

date that the facility becomes subject to this Subpart BB for installation and startup.

2) Any unit beginning operation that is subject to the provisions of this Subpart BB when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

3) The remanufacturer or other person that stores or treats the hazardous secondary material at any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart BB must comply with all requirements of this Subpart BB as soon as practicable but no later than 30 months after the amendment's effective date. When control equipment required by this Subpart BB cannot be installed and begin operation by the effective date of the statutory or regulatory amendment that renders the facility subject to this Subpart BB, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The remanufacturer or other person that stores or treats the hazardous secondary material must keep a copy of the implementation schedule at the facility.

BOARD NOTE: The federal effective date of this provision was July 15, 2015. The resulting compliance deadline for the Subpart BB standards was then January 18, 2018 for all facilities to which this Subpart BB applied on July 15, 2015. All new and modified facilities to which this Subpart BB applies are to immediately comply upon beginning operation after July 15, 2015. Where this Subpart BB becomes applicable to a facility subject to after July 15, 2015 as a result of statutory or regulatory amendment, compliance with the Subpart BB standards is required 30 months after the effective date of the statutory or regulatory amendment that subjected that facility to this provision.

4) Remanufacturers or other persons that store or treat the hazardous secondary materials at facilities and units that become newly subject to the requirements of this Subpart BB due to an action other than those described in subsection (b)(3), must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart BB; the 30-month implementation schedule does not apply).

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.961 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

a) A remanufacturer or other person that stores or treats the hazardous secondary material subject to the requirements of Section 721.957 may elect to have all valves within a hazardous secondary material management unit comply with an alternative standard that allows no greater than two percent of the valves to leak.

b) The following requirements must be met if a remanufacturer or other person that stores or treats the hazardous secondary material decides to comply with the alternative standard of allowing two percent of valves to leak:

1) A performance test, as specified in subsection (c), must be conducted initially upon designation, annually, and at other times requested by the Agency in writing to the remanufacturer or other persons that stores or treats the hazardous secondary material; and

2) If a valve leak is detected, it must be repaired in accordance with Section 721.957(d) and (e).

c) Performance tests must be conducted in the following manner:

1) All valves subject to the requirements in Section 721.957 within the hazardous secondary material management unit must be monitored within one week by the methods specified in Section 721.963(b).

2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 721.957 for which leaks are detected by the total number of valves subject to the requirements in Section 721.957 within the hazardous secondary material management unit.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.962 Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

a) A remanufacturer or other person that stores or treats the hazardous secondary material subject to the requirements of Section 721.957 may elect for all valves within a hazardous secondary material management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (b)(3).

b) Reduced Monitoring.

1) A remanufacturer or other person that stores or treats the hazardous secondary material must comply with the requirements for valves, as described in Section 721.957, except as described in subsections (b)(2) and (b)(3).

2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, a remanufacturer or other person that stores or treats the hazardous secondary material may begin to skip one of the quarterly leak detection periods (i.e., monitor for leaks once every six months) for the valves subject to the requirements in Section 721.957.

3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, a remanufacturer or other person that stores or treats the hazardous secondary material may begin to skip three of the quarterly leak detection periods (i.e., monitor for leaks once every year) for the valves subject to the requirements in Section 721.957.

4) If the percentage of valves leaking is greater than two percent, the remanufacturer or other person that stores or treats the hazardous secondary material must monitor monthly in compliance with the requirements in Section 721.957, but may again elect to use this Section after meeting the requirements of Section 721.957(c)(1).

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.963 Test Methods and Procedures

a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart BB must comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 721.952 through 721.962, must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be as follows:

A) Zero air (less than 10 ppm of hydrocarbon in air); and

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

c) When equipment is tested for compliance with no detectable emissions, as required in Sections 721.952(e), 721.953(i), 721.954, and 721.957(f), the test must comply with the following requirements:

1) The requirements of subsections (b)(1) through (b)(4).

2) The background level must be determined as set forth in Reference Method 21.

3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

d) A remanufacturer or other person that stores or treats the hazardous secondary material must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous secondary material with organic concentration that equals or exceeds 10 percent by weight using the following:

1) Methods described in ASTM Methods D 2267–88, E 169–87, E 168– 88, E 260–85, incorporated by reference in 35 Ill. Adm. Code 720.111;

2) Method 9060A of "Test Methods for Evaluating Solid Waste", USEPA Publication SW–846, incorporated by reference in 35 Ill. Adm. Code 720.111, for computing total organic concentration of the sample, or analyzed for its individual organic constituents; or

3) Application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced. Documentation of a material determination by knowledge is required. Examples of documentation that must be used to support a determination under this

provision include production process information documenting that no organic compounds are used, information that the material is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same material stream, where it can also be documented that no process changes have occurred since that analysis that could affect the material total organic concentration.

e) If a remanufacturer or other person that stores or treats the hazardous secondary material determines that a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2).

f) When a remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) can be used to resolve the dispute. The Agency must state any disagreement on whether a piece of equipment contains or contacts a hazardous secondary material with organic concentrations at least 10 percent by weight in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous secondary material that is expected to be contained in or contact the equipment.

h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111.

i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 721.934(c)(1) through (c)(4).

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.964 Recordkeeping Requirements

a) Lumping Units.

1) A remanufacturer or other person that stores or treats the hazardous secondary material subject to the provisions of this Subpart BB must comply with the recordkeeping requirements of this Section.

2) A remanufacturer or other person that stores or treats the hazardous secondary material in more than one hazardous secondary material management unit subject to the provisions of this Subpart BB may comply with the recordkeeping requirements for these hazardous secondary material management units in one recordkeeping system if the system identifies each record by each hazardous secondary material management unit.

b) A person that stores or treats a hazardous secondary material must record and keep the following information at the facility:

1) For each piece of equipment to which this Subpart BB applies:

A) The equipment identification number and hazardous secondary material management unit identification.

B) The approximate locations within the facility (e.g., identify the hazardous secondary material management unit on a facility plot plan).

C) The type of equipment (e.g., a pump or pipeline valve).

D) The percent-by-weight total organics in the hazardous secondary material stream at the equipment.

E) The hazardous secondary material state at the equipment (e.g., gas/vapor or liquid).

F) A method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

2) For facilities that comply with the provisions of Section 721.933(a)(2), an implementation schedule, as specified in Section 721.933(a)(2).

3) When a remanufacturer or other person that stores or treats the hazardous secondary material chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 721.935(b)(3).

4) Documentation of compliance with Section 721.960, including the detailed design documentation or performance test results specified in Section 721.935(b)(4).

c) When each leak is detected, as specified in Sections 721.952, 721.953, 721.957, and 721.958, the following requirements apply:

1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 721.958(a), and the date the leak was detected, must be attached to the leaking equipment.

2) The identification on equipment, except on a valve, may be removed after it has been repaired.

3) The identification on a valve may be removed after it has been monitored for two successive months as specified in Section 721.957(c) and no leak has been detected during those two months.

d) When each leak is detected, as specified in Sections 721.952, 721.953, 721.957, and 721.958, the following information must be recorded in an inspection log and must be kept at the facility:

1) The instrument and operator identification numbers and the equipment identification number.

2) The date evidence of a potential leak was found in accordance with Section 721.958(a).

3) The date the leak was detected and the dates of each attempt to repair the leak.

4) Repair methods applied in each attempt to repair the leak.

5) "Above 10,000" if the maximum instrument reading measured by the methods specified in Section 721.963(b) after each repair attempt is equal to or greater than 10,000 ppm.

6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

7) Documentation supporting the delay of repair of a valve in compliance with Section 721.959(c).

8) The signature of the remanufacturer or other person that stores or treats the hazardous secondary material (or designate) whose decision it was that repair could not be effected without a hazardous secondary material management unit shutdown.

9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

10) The date of successful repair of the leak.

e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of Section 721.960 must be recorded and kept up-to-date at the facility, as specified in Section 721.935(c). Design documentation is specified in Section 721.935(c)(1) and (c)(2) and monitoring, operating, and inspection information in Section 721.935(c)(3) through (c)(8).

f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify in writing the appropriate recordkeeping requirements.

g) The following information pertaining to all equipment subject to the requirements in Sections 721.952 through 721.960 must be recorded in a log that is kept at the facility:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart BB.

2) List of Equipment.

A) A list of identification numbers for equipment that the remanufacturer or other person that stores or treats the hazardous secondary material elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 721.952(e), 721.953(i), and 721.957(f).

B) The designation of this equipment as subject to the requirements of Sections 721.952(e), 721.953(i), or 721.957(f) must be signed by the remanufacturer or other person that stores or treats the hazardous secondary material.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 721.954(a).

4) Compliance Tests.

A) The dates of each compliance test required in Sections 721.952(e), 721.953(i), 721.954, and 721.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous secondary material with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.

h) The following information pertaining to all valves subject to the requirements of Section 721.957(g) and (h) must be recorded in a log that is kept at the facility:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

i) The following information must be recorded in a log that is kept at the facility for valves complying with Section 721.962:

1) A schedule of monitoring.

2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept at in the facility:

1) Criteria required in Sections 721.952(d)(5)(B) and 721.953(e)(2) and an explanation of the design criteria.

2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept at the facility for use in determining exemptions, as provided in the applicability Section of this Subpart BB and other specific Subparts:

1) An analysis determining the design capacity of the hazardous secondary material management unit.

2) A statement listing the hazardous secondary material influent to and effluent from each hazardous secondary material management unit subject to the requirements in Sections 721.952 through 721.960 and an analysis

determining whether these hazardous secondary materials are heavy liquids.

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 721.952 through 721.960. The record must include supporting documentation as required by Section 721.963(d)(3) when application of the knowledge of the nature of the hazardous secondary material stream or the process by which it was produced is used. If the remanufacturer or other person that stores or treats the hazardous secondary material takes any action (e.g., changing the process that produced the material) that could result in an increase in the total organic content of the material contained in or contacted by equipment determined not to be subject to the requirements in Sections 721.952 through 721.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) and the operating information required by subsection (e) need be kept only three years.

m) The remanufacturer or other person that stores or treats the hazardous secondary material at a facility with equipment that is subject to this Subpart BB and to regulations in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart BB either by documentation pursuant to Section 721.964, or by documentation of compliance with the regulations in 40 CFR 60, 61, or 63 pursuant to the relevant provisions of the regulations in 40 CFR 60, 61, or 63. The documentation of compliance under regulations in 40 CFR 60, 61, or 63 must be kept with or made readily available at the facility.

BOARD NOTE: 415 ILCS 5/9.1(b) and (d) make the federal new source performance standards and national emission standards for hazardous air pollutants directly applicable in Illinois and prohibit operation of an emission source without a permit issued by the Agency. The Agency issues permits that incorporate the federal new source performance standards and national emission standards for hazardous air pollutants pursuant to 415 ILCS 5/39.5.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

Section 721.980 Applicability

The regulations in this Subpart CC apply to tanks and containers that contain hazardous secondary materials excluded under the remanufacturing exclusion at Section 721.104(a)(27),

unless the tanks and containers are equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulations codified in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.981 Definitions

As used in this this Subpart CC, all terms not defined in this Section will have the meaning given to them in section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6903), incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous secondary material as determined in accordance with the requirements of Section 721.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous secondary material managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Empty hazardous secondary material container" means any of the following:

A container from which all hazardous secondary materials have been removed that can be removed using the practices commonly employed to remove materials from that type of container (e.g., pouring, pumping, or

aspirating), and no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner;

A container that is less than or equal to 119 gallons (450 liters) in size and no more than three percent by weight of the total capacity of the container remains in the container or inner liner; or

A container that is greater than 119 (450 liters) gallons in size and no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous secondary material being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means the container is used to manage a material for which both of the following conditions apply: The vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous secondary material between the tank wall and the floating roof continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

"Material determination" means performing all applicable procedures in accordance with the requirements of Section 721.984 to determine whether a hazardous secondary material meets standards specified in this Subpart CC. Examples of a material determination include performing the procedures in accordance with the requirements of Section 721.984 to determine the average VO concentration of a hazardous secondary material at the point of material origination; the average VO concentration of a hazardous secondary material at the point of material treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous secondary material; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous secondary material and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous secondary material in a tank and comparing the results to the applicable standards.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank, at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining materials, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 721.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere as determined using the procedure specified in Section 721.984(d).

"Point of material origination" means as follows:

> Where the remanufacturer or other person that stores or treats the hazardous secondary material is the generator of the hazardous secondary material, the point of material origination means the point when a material produced by a system, process, or material management unit is determined to be a hazardous secondary material excluded under Section 721.104(a)(27).

BOARD NOTE: Where the person that stores or treats the hazardous secondary material is the generator of the hazardous secondary material, "point of material origination" is being used in a manner similar to the use of the term "point of generation" in air standards established under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111.
Where the remanufacturer or other person that stores or treats the hazardous secondary material is not the generator of the hazardous secondary material, point of material origination means the point when the remanufacturer or other person that stores or treats the hazardous secondary material accepts delivery or takes possession of the hazardous secondary material.

"Safety device" means a closure device such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted such that there is a vapor space between the hazardous secondary material in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of the volatile organic compounds contained in a hazardous secondary material expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the material in accordance with the requirements of Section 721.984. For the purpose of determining the VO

concentration of a hazardous secondary material, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25ºC must be included.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.982 Standards: General

a) This Section applies to the management of hazardous secondary material in tanks and containers subject to this Subpart CC.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each hazardous secondary material management unit in accordance with standards specified in Sections 721.984 through 721.987, as applicable to the hazardous secondary material management unit, except as provided for in subsection (c).

c) A tank or container is exempt from standards specified in Sections 721.984 through 721.987, as applicable, provided that the hazardous secondary material management unit is a tank or container for which all hazardous secondary material entering the unit has an average VO concentration at the point of material origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined using the procedures specified in Section 721.983(a). The remanufacturer or other person that stores or treats the hazardous secondary material must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous secondary material streams entering the unit.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.983 Material Determination Procedures

a) Procedure to Determine Average Volatile Organic (VO) Concentration

1) Determining average VO concentration at the point of material origination. A remanufacturer or other person that stores or treats the hazardous secondary material must determine the average VO concentration at the point of material origination for each hazardous secondary material placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c) from using air emission controls in compliance with standards specified in Sections 721.984 through 721.987, as applicable to the hazardous secondary material management unit.

A) An initial determination of the average VO concentration of the material stream must be made before the first time any portion of the material in the hazardous secondary material stream is placed in a hazardous secondary material management unit exempted under the provisions of Section 721.982(c) from using air emission controls, and thereafter an initial determination of the average VO concentration of the material stream must be made for each averaging period that a hazardous secondary material is managed in the unit; and

B) Perform a new material determination whenever changes to the source generating the material stream are reasonably likely to cause the average VO concentration of the hazardous secondary material to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 721.982.

2) Determining average VO concentration using direct measurement or knowledge. For a material determination that is required by subsection (a)(1), the average VO concentration of a hazardous secondary material at the point of material origination must be determined using either direct measurement, as specified in subsection (a)(3), or by knowledge of the hazardous secondary material, as specified in subsection (a)(4).

3) Direct measurement to determine average VO concentration of a hazardous secondary material at the point of material origination, as follows:

A) Identification. The remanufacturer or other person that stores or treats the hazardous secondary material must identify and record in a log that is kept at the facility the point of material origination for the hazardous secondary material.

B) Sampling. Samples of the hazardous secondary material stream must be collected at the point of material origination in a manner so that volatilization of organics contained in the material and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous secondary material stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the remanufacturer or other person that stores or treats the hazardous secondary

material determines is appropriate for the hazardous secondary material stream but must not exceed one year.

ii) Enough samples, but at least four, must be collected and analyzed for a hazardous secondary material determination. The samples for a given material determination must be collected within a one-hour period. The average of the four or more sample results constitutes a material determination for the material stream. One or more material determinations may be required to represent the complete range of material compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous secondary material stream. Examples of these normal variations are seasonal variations in material quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled according to written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained at the facility. An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the material quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous secondary material represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed according to Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm.

Code 720.111, for the total concentration of volatile organic constituents, or using one or more methods when the individual organic compound concentrations are identified and summed and the summed material concentration accounts for and reflects all organic compounds in the material with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 ºC. At the discretion of the remanufacturer or other person that stores or treats the hazardous secondary material, the test data obtained may be adjusted by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25ºC. To adjust these data, the measured concentration of each individual chemical constituent contained in the material is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}). If the remanufacturer or other person that stores or treats the hazardous secondary material elects to adjust the test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25ºC contained in the material. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factors (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement to reflect all organic compounds in the material with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 ºC, is met.

i) Any USEPA standard method that has been validated in compliance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Any other analysis method that has been validated in according to the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction

is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations

i) The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all material determinations conducted in compliance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} Q_i \times C_i$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous secondary material at the point of material origination on a mass-weighted basis, ppmw

i = Individual material determination "i" of the hazardous secondary material

n = Total number of material determinations of the hazardous secondary material conducted for the averaging period (not to exceed one year)

Q_i = Mass quantity of hazardous secondary material stream represented by C_i, kg/hr

Q_T = Total mass quantity of hazardous secondary material during the averaging period, kg/hr

C_i = Measured VO concentration of material determination "i" as determined in compliance with subsection (a)(3)(C) (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii)), ppmw

ii) For determining C_i, for individual material samples analyzed in compliance with subsection (a)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must account for VO concentrations determined to be below the detection limit of the analytical method by using the VO concentration that is one-half the blank value determined in the method at section 4.4 of Reference Method 25D, if Reference Method 25D is used for the analysis; or that is one-half the sum of the limits of detection established for each organic constituent in the material that has a Henry's law constant

values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25ºC, if any other analytical method is used.

4) Use of knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material to determine average VO concentration of a hazardous secondary material at the point of material origination.

A) Documentation must be prepared that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material of the hazardous secondary material stream's average VO concentration. Examples of information that may be used as the basis for knowledge include material balances for the source or process generating the hazardous secondary material stream; constituent-specific chemical test data for the hazardous secondary material stream from previous testing that are still applicable to the current material stream; previous test data for other locations managing the same type of material stream; or other knowledge based on information included in shipping papers or material certification notices.

B) If test data are used as the basis for knowledge, then the remanufacturer or other person that stores or treats the hazardous secondary material must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in determining the average VO concentration. For example, a remanufacturer or other person that stores or treats the hazardous secondary material may use organic concentration test data for the hazardous secondary material stream that are validated according to Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods) as the basis for knowledge of the material.

C) A remanufacturer or other person that stores or treats the hazardous secondary material using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous secondary material may adjust the test data to the corresponding average VO concentration value that would have been obtained had the material samples been analyzed using Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). To

adjust these data, the measured concentration for each individual chemical constituent contained in the material is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

D) In the event that the Agency and the remanufacture or other person that stores or treats the hazardous secondary material disagree on a determination of the average VO concentration for a hazardous secondary material stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3), must be used to establish compliance with the applicable requirements of this Subpart CC. The Agency may perform or request that the remanufacturer or other person that stores or treats the hazardous secondary material perform this determination using direct measurement. The remanufacturer or other person that stores or treats the hazardous secondary material may choose one or more appropriate methods to analyze each collected sample under subsection (a)(3)(C). The Agency must state any disagreement on determination of the average VO concentration for a hazardous secondary material stream using knowledge in writing to the remanufacturer or other person that stores or treats the hazardous secondary material.

b) This subsection (b) corresponds with 40 CFR 261.1083(b), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

c) Procedure to Determine the Maximum Organic Vapor Pressure of a Hazardous Secondary Material in a Tank

1) A remanufacturer or other person that stores or treats the hazardous secondary material must determine the maximum organic vapor pressure for each hazardous secondary material placed in a tank using Tank Level 1 controls in compliance with standards specified in Section 721.984(c).

2) A remanufacturer or other person that stores or treats the hazardous secondary material must use either direct measurement as specified in subsection (c)(3) or knowledge of the waste as specified by subsection (c)(4) to determine the maximum organic vapor pressure that is representative of the hazardous secondary material composition stored or treated in the tank.

3) Direct Measurement to Determine the Maximum Organic Vapor Pressure of a Hazardous Secondary Material

A) Sampling. Enough samples must be collected to be representative of the hazardous secondary material contained in the tank. All samples must be collected and handled according to written procedures prepared by the remanufacturer or other person that stores or treats the hazardous secondary material and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous secondary material are collected so that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained at the facility. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous secondary material:

i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

ii) Methods described in American Petroleum Institute Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Methods obtained from standard reference texts;

iv) ASTM Method 2879–92, incorporated by reference in 35 Ill. Adm. Code 720.111; and

v) Any other method approved in writing by the Agency.

4) Use of Knowledge to Determine the Maximum Organic Vapor Pressure of the Hazardous Secondary Material. Documentation must be prepared and recorded that presents the information used as the basis for the knowledge by the remanufacturer or other person that stores or treats the hazardous secondary material that the maximum organic vapor pressure of the hazardous secondary material is less than the maximum vapor pressure limit listed in Section 721.984(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous secondary material is generated by a

process for which at other locations it previously has been determined by direct measurement that the hazardous secondary material's waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) Procedure for Determining No Detectable Organic Emissions for the Purpose of Complying with this Subpart CC

1) The test must be conducted according to the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location if organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous secondary material having an organic concentration representative of the range of concentrations for the hazardous secondary material expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in section 3.1.2(a) of Reference Method 21, must be for the average composition of the organic constituents in the hazardous secondary material placed in the hazardous secondary management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

5) Calibration gases must be as follows:

A) Zero air (less than 10 ppmv hydrocarbon in air); and

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Reference Method 21.

7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.984 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 721.982(b) references the use of this Section for air emission control.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each tank subject to this Section in compliance with the following requirements, as applicable:

1) For a tank that manages hazardous secondary material that meets the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank in compliance with the Tank Level 1 controls specified in subsection (c) or the Tank Level 2 controls specified in subsection (d).

A) The hazardous secondary material in the tank has a maximum organic vapor pressure that is less than the maximum organic

vapor pressure limit for the tank's design capacity category, as follows:

i) For a tank design capacity equal to or greater than 151 m^3, the maximum organic vapor pressure limit for the tank is 5.2 kPa.

ii) For a tank design capacity equal to or greater than 75 m^3 but less than 151 m^3, the maximum organic vapor pressure limit for the tank is 27.6 kPa.

iii) For a tank design capacity less than 75 m^3, the maximum organic vapor pressure limit for the tank is 76.6 kPa.

B) The hazardous secondary material in the tank is not heated by the remanufacturer or other person that stores or treats the hazardous secondary material to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous secondary material is determined for complying with subsection (b)(1)(A).

2) For a tank that manages hazardous secondary material that does not meet the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the tank by using Tank Level 2 controls in compliance with subsection (d). An example of tanks required to use Tank Level 2 controls is a tank for which the hazardous secondary material in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A).

c) A remanufacturer or other person that stores or treats the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4):

1) The remanufacturer or other person that stores or treats that hazardous secondary material must determine the maximum organic vapor pressure for a hazardous secondary material to be managed in the tank using Tank Level 1 controls before the first time the hazardous secondary material is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 721.983(c). Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform a new determination whenever changes to the hazardous secondary material managed in the tank could potentially cause the maximum organic vapor pressure to

increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A), as applicable to the tank.

2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous secondary material in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner so that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

C) Each opening in the fixed roof, and any manifold system associated with the fixed roof, must meet either of the following requirements:

i) It must be equipped with a closure device designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii) It must be connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream and must be operating whenever hazardous secondary material is managed in the tank, except as provided in this subsection (c)(2)(C)(ii). During any period of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank. During any period when it is necessary to provide access to the tank for performing the foregoing activities, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. After completing the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the

closed position or reinstall the cover, as applicable, and resume operating the control device.

BOARD NOTE: This subsection (c)(2)(C)(ii) corresponds with 40 CFR 261.1083(c)(2)(iii)(B). The Board combined the texts of 40 CFR 261.1083(c)(2)(iii)(B)(*1*) and (c)(2)(iii)(B)(*2*) into this single subsection to comport with codification requirements.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the organic vapor permeability; the effects of any contact with the hazardous secondary material or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

3) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of these activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. After completing the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for maintaining the tank internal pressure in compliance with the tank

design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank because of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the air emission control equipment in according to the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except under the special conditions provided for in subsection (l).

C) If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in compliance with subsection (k).

D) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in compliance with the requirements specified in Section 721.989(b).

d) Remanufacturers or other persons that store or treat the hazardous secondary material controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in compliance with subsection (e);

2) A tank equipped with an external floating roof in compliance with subsection (f);

3) A tank vented through a closed-vent system to a control device in compliance with subsection (g);

4) A pressure tank designed and operated in compliance with subsection (h); or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in compliance with subsection (i).

e) The remanufacturer or other person that stores or treats the hazardous secondary material that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof must meet the requirements specified in subsections (e)(1) through (e)(3).

1) The tank must be equipped with a fixed roof and an internal floating roof in compliance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 721.981; or

ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

C) The internal floating roof must meet the following specifications:

i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.

iii) Each penetration of the internal floating roof for sampling must have a slit fabric cover that covers at least 90 percent of the opening.

iv) Each automatic bleeder vent and rim space vent must be gasketed.

v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in compliance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Automatic bleeder vents are always to be set closed when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or

when the pressure beneath the rim exceeds the manufacturer's recommended setting.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating roof in according to the following procedures:

A) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous secondary material surface from the atmosphere; or the slotted membrane has more than 10 percent open area.

B) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C):

i) It must visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill; and

ii) It must visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years.

C) As an alternative to performing the inspections specified in subsection (e)(3)(B), for an internal floating roof equipped with two continuous seals mounted one above the other, the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in

advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (e)(3)(D)(ii).

ii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in compliance with subsection (k).

F) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in compliance with the requirements specified in Section 721.989(b).

4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with subsection (e).

f) The remanufacturer or other person that stores or treats the hazardous secondary material that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3).

1) The remanufacturer or other person that stores or treats the hazardous secondary material must design the external floating roof as follows:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 721.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm^2) per meter of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm^2 per meter of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm.

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

viii) Each slotted guide pole must be equipped with a gasketed float or other device that closes off the liquid surface from the atmosphere.

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the tank in compliance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

D) Automatic bleeder vents must be set closed always when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer’s recommended setting.

F) The cap on the end of each unslotted guide pole must be secured in the closed position always except when measuring the level or collecting samples of the liquid in the tank.

G) The cover on each gauge hatch or sample well must be secured in the closed position always except when the hatch or well must be opened for access.

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect the external floating roof according to the following procedures:

A) The remanufacturer or other person that stores or treats the hazardous secondary material must measure the external floating roof seal gaps as follows:

i) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initially operating the tank following installing the floating roof and, thereafter, at least once every five years.

ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initially operating the tank following installing the floating roof and, thereafter, at least once every year.

iii) If a tank ceases to hold hazardous secondary material for a period of one year or more, subsequently introducing hazardous secondary material into the tank must be considered an initial operation for subsections (f)(3)(A)(i) and (f)(3)(A)(ii).

iv) The remanufacturer or other person that stores or treats the hazardous secondary material must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure described in subsection (f)(3)(D):

BOARD NOTE: The Board moved corresponding 40 CFR 261.1084(f)(3)(i)(D)(*1*) through (f)(3)(i)(D)(*4*) to appear as subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport with codification requirements.

v) If the seal gap measurements do not conform to the specifications in subsection (f)(1)(B), the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in compliance with subsection (k).

vi) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in compliance with the requirements specified in Section 721.989(b).

B) The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the external floating roof as follows:

i) The floating roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

ii) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. After the initial inspection, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).

iii) If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in compliance with subsection (k).

iv) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in compliance with the requirements specified in Section 721.989(b).

C) Before each inspection required by subsection (f)(3)(A) or (f)(3)(B), the remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The remanufacturer or other person that stores or treats the hazardous secondary material must notify the Agency of the date and location of the inspection as follows:

i) Before each inspection to measure external floating roof seal gaps, as required under subsection (f)(3)(A), written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Before each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the remanufacturer or other person that stores or treats the hazardous secondary material so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii).

iii) When a visual inspection is not planned and the remanufacturer or other person that stores or treats the hazardous secondary material could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and in the secondary seal individually.

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each location.

iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type as specified in subsection (f)(1)(B).

BOARD NOTE: The texts of corresponding 40 CFR 261.1084(f)(3)(i)(D)(*1*) through (f)(3)(i)(D)(*4*), which would normally appear in subsection (f)(3)(A)(iv), but codification requirements do not allow a fifth level of subsections. Thus, the Board has codified them to appear as subsections (f)(3)(D)(i) through (f)(3)(D)(iv) to comport with codification requirements.

4) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any tank complying with this subsection (f).

g) The remanufacturer or other person that stores or treats the hazardous secondary material that controls air pollutant emissions from a tank by venting the tank to a control device must meet the following requirements:

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in compliance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include, organic vapor permeability, the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

D) The closed-vent system and control device must be designed and operated in compliance with the requirements of Section 721.987.

2) Whenever a hazardous secondary material is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device, except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of activities needed for normal operations include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. After completing the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the air emission control equipment according to the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the remanufacturer or other person that stores or treats the hazardous secondary material to check for defects that could result in air pollutant emissions. Defects include visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material according to the procedures specified in Section 721.987.

C) The remanufacturer or other person that stores or treats the hazardous secondary material must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this section. Thereafter, the remanufacturer or other person that stores or treats the hazardous secondary material must perform the inspections at least once every year except for the special conditions provided for in subsection (l).

D) In the event that a defect is detected, the remanufacture or other person that stores or treats the hazardous secondary material must repair the defect in compliance with subsection (k).

E) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain a record of the inspection in compliance with the requirements specified in Section 721.989(b).

h) The remanufacturer or other person that stores or treats the hazardous secondary material that controls air pollutant emissions by using a pressure tank must meet the following requirements:

1) The tank must be designed not to vent to the atmosphere because compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 721.983(d).

3) Whenever a hazardous secondary material is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere, except under either or the following conditions described in subsection (h)(3)(A) or (h)(3)(B).

A) At those times when opening of a safety device, as defined in Section 721.981, is required to avoid an unsafe condition.

B) At those times when purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in compliance with of Section 721.987.

i) The remanufacturer or other person that stores or treats the hazardous secondary material that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the following requirements:

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in according to the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor,

vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and annually thereafter.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in compliance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 721.987.

3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with subsections (i)(1) and (i)(2).

4) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor the closed-vent system and control device, as specified in Section 721.987.

j) The remanufacturer or other person that stores or treats the hazardous secondary material must transfer hazardous secondary material to a tank subject to this section as follows:

1) Transfer of hazardous secondary material, except as provided in subsection (j)(2), to the tank from another tank subject to this section must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous secondary material to the atmosphere. For complying with this provision, an individual drain system is considered to be a closed system when it complies with subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Subsection (j)(1) does not apply when transferring a hazardous secondary material to the tank under any of the following conditions:

A) The hazardous secondary material meets the average VO concentration conditions specified in Section 721.982(c) at the point of material origination.

B) The hazardous secondary material has been treated by an organic destruction or removal process to meet the requirements in Section 721.982(c).

C) The hazardous secondary material complies with Section 721.982(c).

k) The remanufacturer or other person that stores or treats the hazardous secondary material must repair each defect detected during an inspection performed under subsection I(4), (e)(3), (f)(3), or (g)(3), as follows:

1) The remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible, but within 45 calendar days after detection, except as provided in subsection (k)(2).

2) Repair of a defect may be delayed beyond 45 calendar days if the remanufacturer or other person that stores or treats the hazardous secondary material determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous secondary material normally managed in the tank. In this case, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect the next time the process or unit that is generating the hazardous secondary material managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

l) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) If inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the remanufacturer or other person that stores or treats the hazardous secondary material may designate a cover as an "unsafe to inspect and monitor cover" and comply with the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart CC, as frequently as practicable during those times when a worker can safely access the cover.

2) If a tank is buried partially or entirely underground, a remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor, as required by the applicable provisions of this

Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.986 Standards: Containers

a) Applicability. The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 721.982(b) references the use of this Section for air emission control.

b) General Requirements

1) The remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container.

A) For a container having a design capacity greater than 0.1 m^3 and less than or equal to 0.46 m^3, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

B) For a container having a design capacity greater than 0.46 m^3 that is not in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

C) For a container having a design capacity greater than 0.46 m^3 that is in light material service, the remanufacturer or other person that stores or treats the hazardous secondary material must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).

2) This subsection (b)(2) corresponds with 40 CFR 261.1086(b)(2), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations

c) Container Level 1 Standards

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings such that, when the cover and closure devices are secured in the closed position, there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous secondary material in the container such that no hazardous secondary material is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous secondary material to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include, organic vapor permeability; the effects of contact with the hazardous secondary material or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous secondary material is in a container using Container Level 1 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container as follows:

i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position

and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the hazardous secondary material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:

i) For the purpose of meeting the requirements of this section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices on such a container are not required to be secured in the closed position).

ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary material container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside

the container. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other persons that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:

A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container) the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container

visual inspection must be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Subpart CC).

B) If a container used for managing hazardous secondary material remains at the facility for a period of one year or more, the remanufacturer or other person that stores or treats the hazardous secondary material must initially visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. After the initial inspection, a visual inspection must occur at least once every 12 months. If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (c)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous secondary material must be removed from the container and the container must not be used to manage hazardous secondary material until the defect is repaired.

5) The remanufacturer or other person that stores or treats the hazardous secondary material must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m^3 or greater which do not meet applicable USDOT regulations, as specified in subsection (f), are not managing hazardous secondary material in light material service.

d) Container Level 2 Standards

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container that operates with no detectable organic emissions, as defined in Section 721.981, and determined in accordance with the procedure specified in subsection (g).

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h).

2) Transfer of hazardous secondary material in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (d) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous secondary material is in a container using Container Level 2 controls, the remanufacturer or other person that stores or treats the hazardous secondary material must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous secondary material or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being

filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous secondary material from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty hazardous secondary material container may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container, but the container is not an empty hazardous secondary materials container, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous secondary material. Examples of routine activities other than transfer of hazardous secondary material include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the remanufacturer or other person that stores or treats the hazardous secondary material must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in

accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the remanufacturer or other person that stores or treats the hazardous secondary material based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in Section 721.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 2 controls must inspect the containers and their covers and closure devices as follows:

A) If a hazardous secondary material already is in the container at the time the remanufacturer or other person that stores or treats the hazardous secondary material first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., is not an empty hazardous secondary material container), the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Subpart CC).

B) If a container used for managing hazardous secondary material remains at the facility for a period of one year or more, the remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the container and its

cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the remanufacturer or other person that stores or treats the hazardous secondary material must repair the defect in accordance with the requirements of subsection (d)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the remanufacturer or other person that stores or treats the hazardous secondary material must make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous secondary material must be removed from the container and the container must not be used to manage hazardous secondary material until the defect is repaired.

e) Container Level 3 Standards

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B).

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).

2) The remanufacturer or other person that stores or treats the hazardous secondary material must meet the following requirements, as applicable to the type of air emission control equipment selected by the remanufacturer or other person that stores or treats the hazardous secondary material:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The remanufacturer or other person that stores or treats

the hazardous secondary material must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 721.987.

3) Safety devices, as defined in Section 721.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).

4) Remanufacturers or other persons that store or treat the hazardous secondary material using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices as specified in Section 721.987.

5) Remanufacturers or other persons that store or treat the hazardous secondary material that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 721.989(d).

6) Transfer of hazardous secondary material in or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous secondary material to the atmosphere, to the extent practical, considering the physical properties of the hazardous secondary material and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA has stated that it considers to meet the requirements of this subsection (e) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous secondary material is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:

1) The container meets the applicable requirements specified in 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous secondary material is managed in the container in accordance with the applicable requirements specified in subpart B of 49 CFR 107 (Hazardous Material Program Procedures) and 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans), 173 (Shippers—General Requirements for Shipments and Packagings), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 (Specifications for Packagings) or 179 (Specifications for Tank Cars) regulations are allowed.

g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B), the procedure specified in Section 721.983(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous secondary materials expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) Procedure for determining a container to be vapor-tight using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Unis Pressure-Vacuum Test) in appendix A (Test Methods) to 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with subsection (d)(1)(C).

1) The test must be performed in accordance with Reference Method 27 of appendix A to 40 CFR 60.

2) A pressure measurement device must be used that has a precision of ±2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 0.75 kPa within five minutes after it is pressurized to a minimum of 4.5 kPa, then the container is determined to be vapor-tight.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.987 Standards: Closed-Vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the remanufacturer or other person who stores or treats the hazardous secondary material to control air emissions in accordance with standards of this Subpart CC.

b) The closed-vent system must meet the following requirements:

1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous secondary material in the hazardous secondary material management unit to a control device that meets the requirements specified in subsection (c).

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 721.933(k).

3) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) or a seal or locking device as specified in subsection (b)(3)(B). For the purpose of complying with this subsection (b), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

A) If a flow indicator is used to comply with subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this subsection (b), a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever, etc.) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not

limited to, a car-seal or a lock-and-key configuration valve. The remanufacturer or other person that stores or treats the hazardous secondary material must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the procedure specified in Section 721.933(l).

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 721.933(c); or

C) A flare designed and operated in accordance with the requirements of Section 721.933(d).

2) The remanufacturer or other person that stores or treats the hazardous secondary material who elects to use a closed-vent system and control device to comply with the requirements of this Section must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F).

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A) through (c)(1)(C) for control devices do not apply during a control device system malfunction.

D) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate compliance with the requirements of subsection (c)(2)(A) (i.e., planned routine

maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year) by recording the information specified in Section 721.989(e)(1)(E).

E) The remanufacturer or other person that stores or treats the hazardous secondary material must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The remanufacturer or other person that stores or treats the hazardous secondary material must operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally) except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

3) The remanufacturer or other person that stores or treats the hazardous secondary material using a carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 721.933(g) or (h).

B) All carbon that is hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 721.933(n), regardless of the average volatile organic concentration of the carbon.

4) A remanufacturer or other person that stores or treats the hazardous secondary material using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the requirements of Section 721.933(j).

5) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a control device achieves the performance requirements of subsection (c)(1) as follows:

A) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each control device, using either a performance test, as specified in subsection (c)(5)(C), or a design analysis, as specified in subsection (c)(5)(D), except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater; or

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel.

B) A remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate the performance of each flare in accordance with the requirements specified in Section 721.933(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A), the remanufacturer or other person that stores or treats the hazardous secondary material must use the test methods and procedures specified in Section 721.934(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A), the design analysis must meet the requirements specified in Section 721.935(b)(4)(C).

E) The remanufacturer or other person that stores or treats the hazardous secondary material must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the remanufacturer or other person that stores or treats the hazardous secondary material and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the remanufacturer or other person that stores or treats the hazardous secondary material in accordance with the requirements of subsection (c)(5)(C). The Agency may choose to have an authorized representative observe the performance test. The Agency must state any disagreement on a demonstration of control device performance using a design analysis in

writing to the remanufacturer or other person that treats or stores hazardous secondary material.

7) The closed-vent system and control device must be inspected and monitored by the remanufacture or other person that stores or treats the hazardous secondary material in accordance with the procedures specified in Section 721.933(f)(2) and (l). The readings from each monitoring device required by Section 721.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.988 Inspection and Monitoring Requirements

a) The remanufacturer or other person that stores or treats the hazardous secondary material must inspect and monitor air emission control equipment used to comply with this Subpart CC in accordance with the applicable requirements specified in Sections 721.984 through 721.987.

b) The remanufacturer or other person that stores or treats the hazardous secondary material must develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a). The remanufacturer or other person that stores or treats the hazardous secondary material must keep the plan and schedule at the facility.

(Source: Added at 40 Ill. Reg. 11367, effective August 9, 2016)

Section 721.989 Recordkeeping Requirements

a) Each remanufacturer or other person that stores or treats the hazardous secondary material subject to requirements of this Subpart CC must record and maintain the information specified in subsections (b) through (j), as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j), records required by this section must be maintained at the facility for a minimum of three years. Air emission control equipment design documentation must be maintained at the facility until the air emission control equipment is replaced or otherwise no longer in service. Information required by subsections (i) and (j) must be maintained at the facility for as long as the hazardous secondary material management unit is not using air emission controls specified in Sections 721.984 through 721.987 in compliance with the conditions specified in Section 721.980.

b) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank with air emission controls in compliance with Section 721.984 must prepare and maintain records for the tank that include the following information:

1) For each tank using air emission controls in compliance with Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must record:

A) A tank identification number (or other unique identification description as selected by the remanufacturer or other person that stores or treats the hazardous secondary material).

B) A record for each inspection required by Section 721.984 that includes the following information:

i) The date inspection was conducted.

ii) For each defect detected during the inspection, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. If the repair of the defect is delayed in under Section 721.984, the remanufacturer or other person that stores or treats the hazardous secondary material must also record the reason for the delay and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1), the remanufacturer or other person that stores or treats the hazardous secondary material must record the following information, as applicable to the tank:

A) The remanufacturer or other person that stores or treats the hazardous secondary material using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 721.984(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous secondary material in the tank performed in compliance with Section 721.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The remanufacturer or other person that stores or treats the hazardous secondary material using an internal floating roof to comply with the Tank Level 2 control requirements specified in

Section 721.1084(e) of this Subpart CC must prepare and maintain documentation describing the floating roof design.

C) Remanufacturer or other persons that store or treat the hazardous secondary material using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 721.984(f) must prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 721.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. If the seal gap measurements do not conform to the specifications in Section 721.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each remanufacturer or other person that stores or treats the hazardous secondary material using an enclosure to comply with the Tank Level 2 control requirements specified in Section 721.984(i) must prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in compliance with subsection (e).

c) This subsection (c) corresponds with 40 CFR 261.1089(c), marked "reserved" by USEPA. This statement maintains structural consistency with the federal regulations.

d) The remanufacturer or other person that stores or treats the hazardous secondary material using containers with Container Level 3 air emission controls in

compliance with Section 721.986 must prepare and maintain records that include the following information:

1) Records for the most recent set of calculations and measurements performed by the remanufacturer or other person that stores or treats the hazardous secondary material to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" in appendix B (VOM Measurement Techniques for Capture Efficiency) to 40 CFR 52.741, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Records required for the closed-vent system and control device in compliance with subsection (e).

e) The remanufacturer or other person that stores or treats the hazardous secondary material using a closed-vent system and control device in compliance with Section 721.987 must prepare and maintain records that include the following information:

1) Documentation for the closed-vent system and control device that includes:

A) Certification that is signed and dated by the remanufacturer or other person that stores or treats the hazardous secondary material stating that the control device is designed to operate at the performance level documented by a design analysis, as specified in subsection (e)(1)(B), or by performance tests as specified in subsection (e)(1)(C) when the tank or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation as specified in Section 721.935(b)(4). The documentation must include information prepared by the remanufacturer or other person that stores or treats the hazardous secondary material or provided by the control device manufacturer or vendor that describes the control device design in compliance with Section 721.935(b)(4)(C) and certification by the remanufacturer or other person that stores or treats the hazardous secondary material that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan, as specified in Section 721.935(b)(3), and all test results.

D) Information as required by Section 721.935(c)(1) and (c)(2), as applicable.

E) A remanufacturer or other person that stores or treats the hazardous secondary material must record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) for those planned routine maintenance operations that would require the control device not to comply with Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not comply with Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

F) A remanufacturer or other person that stores or treats the hazardous secondary material must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) for those unexpected control device system malfunctions that would require the control device not to comply with Section 721.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) The occurrence and duration of each malfunction of the control device system.

ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the hazardous secondary material management unit through the closed-vent system to the control device while the control device is not properly functioning.

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in compliance with Section 721.987(c)(3)(B).

f) The remanufacturer or other person that stores or treats the hazardous secondary material using a tank or container exempted under the hazardous secondary material organic concentration conditions specified in Section 721.982(c), must prepare and maintain at the facility records documenting the information used for each material determination (e.g., test results, measurements, calculations, and other documentation). If analysis results for material samples are used for the material determination, then the remanufacturer or other person that stores or treats the hazardous secondary material must record the date, time, and location that each material sample is collected in compliance with applicable requirements of Section 721.983.

BOARD NOTE: Corresponding 40 CFR 261.1089(f) includes a subsection (f)(2) that USEPA marked "reserved". Because there is no 40 CFR 1089(f)(1), the Board included no text to correspond with subsection (f)(2).

g) A remanufacturer or other person that stores or treats the hazardous secondary material designating a cover as "unsafe to inspect and monitor" under Section 721.984(l) must record and keep at facility the following information: the identification numbers for hazardous secondary material management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

h) The remanufacturer or other person that stores or treats the hazardous secondary material that is subject to this Subpart CC and to the control device standards in subpart VV (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, on or Before November 7, 2006) of 40 CFR 60 or subpart V of 40 CFR 61 (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), each incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate complying with the applicable sections of this Subpart CC by documentation either under this Subpart CC, or under the provisions of subpart VV of 40 CFR 60 or subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

(Source: Amended at 48 Ill. Reg. 16813, effective November 22, 2024)

Section 721.APPENDIX A Representative Sampling Methods

The methods and equipment used for sampling waste materials will vary with the form and consistency of the waste materials to be sampled. Samples collected using the sampling protocols listed below, for sampling waste with properties similar to the indicated materials, are considered by USEPA to be representative of the waste.

Extremely viscous liquid: ASTM D 140–70 (Standard Practice for Sampling Bituminous Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Crushed or powdered material: ASTM D 346–75 (Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil or rock-like material: ASTM D 420–69 (Guide to Site Characterization for Engineering, Design, and Construction Purposes), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Soil-like material: ASTM D 1452–65 (Standard Practice for Soil Investigation and Sampling by Auger Borings), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Fly ash-like material: ASTM D 2234–76(Standard Practice for Collection of a Gross Sample of Coal), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Containerized liquid wastes: "Composite Liquid Waste Sampler (COLIWASA)".

Liquid waste in pits, ponds, lagoons, and similar reservoirs: "Pond Sampler".

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)

(Source: Repealed at 30 Ill. Reg. 2992, effective February 23, 2006)

Section 721.APPENDIX C Chemical Analysis Test Methods (Repealed)

(Source: Repealed at 30 Ill. Reg. 2992, effective February 23, 2006)

Section 721.APPENDIX G Basis for Listing Hazardous Wastes

USEPA 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, 1,1,2-trichlorethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
F003	N.A.
F004	Cresols and cresylic acid, nitrobenzene.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
F006	Cadmium, hexavalent chromium, nickel, cyanide (complexed).
F007	Cyanide (salts).
F008	Cyanide (salts).

F009	Cyanide (salts).
F010	Cyanide (salts).
F011	Cyanide (salts).
F012	Cyanide (complexed).
F019	Hexavalent chromium, cyanide (complexed).
F020	Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their clorophenoxy derivative acids, esters, ethers, amines, and other salts.
F021	Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
F022	Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
F023	Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
F024	Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,2-dichloroethane, trans-1,2-dichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorochylopentadiene, hexachlorocylohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
F025	Chloromethane, diclоromethane, 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; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.
F026	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
F027	Tetra-, penta, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.
F028	Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines, and other salts.

F032	Benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; pentachlorophenol; arsenic; chromium; tetra-, penta-, hexa-, and heptachlorordibenzo-p-dioxins; tetra-, penta-, hexa-, and heptachlorodibenzofurans.
F034	Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic, chromium.
F035	Arsenic, chromium, lead.
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F039	All constituents for which treatment standards are specified for multi-source leachate (wastewaters and nonwastewaters) under Table B to 35 Ill. Adm. Code 728 (Constituent Concentrations in Waste).
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4- dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4- dinitrophenol, creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a) anthracene, dibenz(a)anthracene, acenaphthalene.
K002	Hexavalent chromium, lead.
K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers (bis(chloromethyl) ether and bis- (2-chloroethyl) ethers), trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.

K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 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-naphthoguinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039	Phosphorodithioic and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041	Toxaphene.
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.

K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethane, tetrachloroethylene, dichloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).
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, phynylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K123	Ethylene thiourea.
K124	Ethylene thiourea.
K125	Ethylene thiourea.
K126	Ethylene thiourea.
K131	Dimethyl sulfate, methyl bromide.
K132	Methyl bromide.
K136	Ethylene dibromide.
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K143	Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.

K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam-sodium, ziram.
K169	Benzene.
K170	Benzo(a)pyrene, dibenz(a,h)anthracene, benzo (a) anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, 3-methylcholanthrene, 7,12-dimethylbenz(a)anthracene.
K171	Benzene, arsenic.
K172	Benzene, arsenic.
K174	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-heptachlorodibenzofuran (1,2,3,6,7,8,9-HpCDF), all hexachlorodibenzo-p-dioxins (HxCDDs), all hexachlorodibenzofurans (HxCDFs), all pentachlorodibenzo-p-dioxins (PeCDDs), 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin (OCDD), 1,2,3,4,6,7,8,9- octachlorodibenzofuran (OCDF), all pentachlorodibenzofurans (PeCDFs), all tetrachlorodibenzo-p-dioxins (TCDDs), all tetrachlorodibenzofurans (TCDFs).
K175	Mercury.
K176	Arsenic, lead.
K177	Antimony.
K178	Thallium.
K181	Aniline, o-anisidine, 4-chloroaniline, p-cresidine, 2,4-dimethylaniline, 1,2-phenylenediamine, 1,3-phenylenediamine.

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

(Source: Amended at 35 Ill. Reg. 17734, effective October 14, 2011)

Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazard-ous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2- (methyl-sulfonyl)-, O-((methylamino)-carbonyl)oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1-α,4-α,4a-β,5-α,8-α,8a-β)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-05-1	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	(1,1'-Biphenyl)-4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(amino-methyl)-	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amitrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	P119
Aniline	Benzenamine	62-53-3	U012
o-Anisidine (2-methoxyaniline)	Benzenamine, 2-Methoxy-	90-04-0	
Antimony	Same	7440-36-0	
Antimony compounds, N.O.S. (not otherwise specified)			

Aramite	Sulfurous acid, 2-chloroethyl-, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic compounds, N.O.S.			
Arsenic acid	Arsenic acid H_3AsO_4	7778-39-4	P010
Arsenic pentoxide	Arsenic oxide As_2O_5	1303-28-2	P011
Arsenic trioxide	Arsenic oxide As_2O_3	1327-53-3	P012
Auramine	Benzenamine, 4,4'-carbonimidoyl-bis(N, N-dimethyl-	492-80-8	U014
Azaserine	L-Serine, diazoacetate (ester)	115-02-6	U015
Barban	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Barium	Same	7440-39-3	
Barium compounds, N.O.S.			
Barium cyanide	Same	542-62-1	P013
Bendiocarb	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Bendiocarb phenol	1,3-Benzodioxol-4-ol-2,2-dimethyl-,	22961-82-6	U364
Benomyl	Carbamic acid, (1- ((butylamino)-carbonyl)-1H-benzimidazol-2-yl)-, methyl ester	17804-35-2	U271
Benz(c)acridine	Same	225-51-4	U016
Benz(a)anthracene	Same	56-55-3	U018
Benzal chloride	Benzene, (dichloromethyl)-	98-87-3	U017
Benzene	Same	71-43-2	U019
Benzenearsonic acid	Arsonic acid, phenyl-	98-05-5	
Benzidine	(1,1'-Biphenyl)-4,4'-diamine	92-87-5	U021
Benzo(b)fluoranthene	Benz(e)acephenanthrylene	205-99-2	
Benzo(j)fluoranthene	Same	205-82-3	
Benzo(k)fluoranthene	Same	207-08-9	
Benzo(a)pyrene	Same	50-32-8	U022
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	106-51-4	U197
Benzotrichloride	Benzene, (trichloromethyl)-	98-07-7	U023
Benzyl chloride	Benzene, (chloromethyl)-	100-44-7	P028
Beryllium powder	Same	7440-41-7	P015
Beryllium compounds, N.O.S.			
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetrathio-dicarbonothioyl)-bis-	120-54-7	
Bromoacetone	2-Propanone, 1-bromo-	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	101-55-3	U030
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018

Butylate	Carbamothioic acid, bis(2-methyl-propyl)-, S-ethyl ester	2008-41-5	
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H_2CrO_4, calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide $Ca(CN)_2$	592-01-8	P021
Carbaryl	1-Naphthalenol, methylcarbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-	1563-38-8	U367
Carbosulfan	Carbamic acid, ((dibutylamino)-thio)methyl-2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difuoride	353-50-4	U033
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid, 4(bis-(2-chloroethyl)amino)-	305-03-3	U035
Chlordane	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, α and γ isomers			U036
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.			
Chlornaphazine	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039

2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
β-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium	Same	7440-47-3	
Chromium compounds, N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-((2,5-dimethoxyphenyl)azo)-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamo-dithioato-S,S')-,	137-29-1	
Creosote	Same		U051
p-Cresidine	2-Methoxy-5-methylbenzenamine	120-71-8	
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	β-D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexyl-ethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)-tetrahydro-2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophen-oxy)-	94-75-7	U240
2,4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daunomycin	5,12-Naphthacenedione, 8-acetyl-10-((3-amino-2,3,6-trideoxy-α-L-lyxo-hexopyranosyl)oxy)-7,8,9,10-tetrahydro-6,8,11-tri-hydroxy-l-methoxy-, (8S-cis)-	20830-81-3	U059

Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	
DDD	Benzene, 1,1'-(2,2-dichloroethylidene)bis(4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethenylidene)bis(4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz(a,h)acridine	Same	226-36-8	
Dibenz(a,j)acridine	Same	224-42-0	
Dibenz(a,h)anthracene	Same	53-70-3	U063
7H-Dibenzo(c,g)carbazole	Same	194-59-2	
Dibenzo(a,e)pyrene	Naphtho(1,2,3,4-def)chrysene	192-65-4	
Dibenzo(a,h)pyrene	Dibenzo(b,def)chrysene	189-64-0	
Dibenzo(a,i)pyrene	Benzo(rst)pentaphene	189-55-9	U064
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	U066
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	764-41-0	U074
Dichlorodifluoromethane	Methane, dichlorodifluoro-	75-71-8	U075
Dichloroethylene, N.O.S.	Dichloroethylene	25323-30-2	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis(2-chloro-	111-44-4	U025
Dichloroisopropyl ether	Propane, 2,2'-oxybis(2-chloro-	108-60-1	U027
Dichloromethoxyethane	Ethane, 1,1'-(methylenebis(oxy)-bis(2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenylarsine	Arsonous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084

Dieldrin	2,7:3,6-Dimethanonaphth(2, 3-b)-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6, 6a,7,7a-octahydro-, (1aα,2β,2aα,3β,6β,6aα,7β,7aα)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl-S-methyl dithio-phosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester	3288-58-2	U087
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitro-phenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	297-97-2	P040
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	56-53-1	U089
Dihydrosafrole	1,3-Benzodioxole, 5-propyl-	94-58-6	U090
Diisopropylfluorophosphate (DFP)	Phosphorofluoridic acid, bis(1-methylethyl) ester	55-91-4	P043
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester	60-51-5	P044
3,3'-Dimethoxybenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-	119-90-4	U091
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	60-11-7	U093
2,4-Dimethylaniline (2,4-xylidine)	Benzenamine, 2,4-dimethyl-	95-68-1	
7,12-Dimethylbenz(a)anthracene	Benz(a)anthracene, 7,12-dimethyl-	57-97-6	U094
3,3'-Dimethylbenzidine	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	540-73-8	U099
α,α-Dimethylphenethylamine	Benzeneethanamine, α, α-dimethyl-	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	131-11-3	U102
Dimethyl sulfate	Sulfuric acid, dimethyl ester	77-78-1	U103

Dimetilan	Carbamic acid, dimethyl-, 1-((dimethylamino) carbonyl)-5-methyl-1H-pyrazol-3-yl ester	644-64-4	P191
Dinitrobenzene, N.O.S.	Benzene, dinitro-	25154-54-5	
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts			P047
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	122-66-7	U109
Di-n-propylnitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester	298-04-4	P039
Dithiobiuret	Thioimidodicarbonic diamide $((H_2N)C(S))_2NH$	541-53-7	P049
Endosulfan	6, 9-Methano-2,4,3-benzodioxa-thiepen,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide,	115-29-7	P050
Endothal	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	2,7:3,6-Dimethanonaphth(2,3-b)-oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a α,2β,2aβ,3α,6α,6aβ,7β,7aα)-,	72-20-8	P051
Endrin metabolites			P051
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	U041
Epinephrine	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-, (R)-	51-43-4	P042
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	
Ethyl carbamate (urethane)	Carbamic acid, ethyl ester	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdithiocarbamic acid	Carbamodithioic acid, 1,2-ethane-diylbis-	111-54-6	U114
Ethylenebisdithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	U077

Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidine dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioc acid, O-(4-((dimethylamino)sulfonyl)phenyl) O,O-dimethyl ester	52-85-7	P097
Ferbam	Iron, tris(dimethylcarbamo-dithioato-S,S')-,	14484-64-1	
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-(3-(((methylamino)carbonyl)-oxy)phenyl)-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123
Formparanate	Methanimidamide, N,N-dimethyl-N'-(2-methyl-4-(((methylamino)-carbonyl)oxy)phenyl)-	17702-57-7	P197
Glycidylaldehyde	Oxiranecarboxaldehyde	765-34-4	U126
Halomethanes, N.O.S.			
Heptachlor	4,7-Methano-1H-indene,1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	P059
Heptachlor epoxide	2,5-Methano-2H-indeno(1, 2b)oxirene, 2,3,4,5,6,7,7-hepta-chloro-1a,1b,5,5a,6,6a-hexa-hydro-, (1aα,1bβ,2α,5α,5aβ,6β, 6aα)-	1024-57-3	
Heptachlor epoxide (α, β, and γ isomers)			
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexa-chloro-	87-68-3	U128
Hexachlorocyclo-pentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130

Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-	67-72-1	U131
Hexachlorophene	Phenol, 2,2'-methylenebis(3,4,6-trichloro-	70-30-4	U132
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-	1888-71-7	U243
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H_2S	7783-06-4	U135
Indeno(1,2,3-cd)pyrene	Same	193-39-5	U137
3-Iodo-2-propynyl-n-butyl-carbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140
Isodrin	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1α,4α,4aβ,5β,8β,8aβ)-,	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta(cd)-pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-,	143-50-0	U142
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-l-yl ester, (1S-(1-α(Z),7(2S*,3R*),7aα))-	303-34-4	U143
Lead	Same	7439-92-1	
Lead and compounds, N.O.S.			
Lead acetate	Acetic acid, lead (2+) salt	301-04-2	U144
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U145
Lead subacetate	Lead, bis(acetato-O)tetrahydroxy-tri-	1335-32-6	U146
Lindane	Cyclohexane, 1,2,3,4,5,6-hexa-chloro-, 1α,2α,3β,4α,5α,6β)-	58-89-9	U129
Maleic anhydride	2,5-Furandione	108-31-6	U147
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	123-33-1	U148

Malononitrile	Propanedinitrile	109-77-3	U149
Manganese dimethyldithio-carbamate	Manganese, bis(dimethylcarbamo-dithioato-S,S')-,	15339-36-3	P196
Melphalan	L-Phenylalanine, 4-(bis(2-chloro-ethyl)amino)-	148-82-3	U150
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S.			
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4	P065
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienyl-methyl)-	91-80-5	U155
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate	2032-65-7	P199
Metholmyl	Ethanimidothioic acid, N-(((methylamino)carbonyl)oxy)-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloro-ethylidene)bis(4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylcholanthrene	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	U157
4,4'-Methylenebis(2-chloro-aniline)	Benzenamine, 4,4'-methylene-bis(2-chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068
Methylene chloride	Methane, dichloro-	75-09-2	U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methyllactonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071

Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)	315-18-4	P128
Mitomycin C	Azirino(2', 3':3, 4)pyrrolo(1, 2-a)indole-4, 7-dione, 6-amino-8-(((aminocarbonyl)oxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, (1a-S-(1aα, 8β,8aα,8bα))-,	50-07-7	U010
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	2212-67-1	
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	70-25-7	U163
Mustard gas	Ethane, 1,1'-thiobis(2-chloro-	505-60-2	U165
Naphthalene	Same	91-20-3	U165
1,4-Naphthoquinone	1,4-Naphthalenedione	130-15-4	U166
α-Naphthylamine	1-Naphthalenamine	134-32-7	U167
β-Naphthylamine	2-Naphthalenamine	91-59-8	U168
α-Naphthylthiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.			
Nickel carbonyl	Nickel carbonyl $Ni(CO)_4$, (T-4)-	13463-39-3	P073
Nickel cyanide	Nickel cyanide $Ni(CN)_2$	557-19-7	P074
Nicotine	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	54-11-5	P075
Nicotine salts			P075
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro-	100-01-6	P077
Nitrobenzene	Benzene, nitro-	98-95-3	U169
Nitrogen dioxide	Nitrogen oxide NO_2	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro-	100-02-7	U170
2-Nitropropane	Propane, 2-nitro-	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	

N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso-	59-89-2	
N-Nitrosonornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin.	3268-87-9	
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzo-furan.	39001-02-0	
Octamethylpyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO_4, (T-4)	20816-12-0	P087
Oxamyl	Ethanimidothioc acid, 2-(dimethylamino)-N-(((methyl-amino)carbonyl)oxy)-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl-	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins			
Pentachlorodibenzofurans			
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	See F027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
1,2-Phenylenediamine	1,2-Benzenediamine	95-54-5	
1,3-Phenylenediamine	1,3-Benzenediamine	108-45-2	
Phenylmercury acetate	Mercury, (acetato-O)phenyl-	62-38-4	P092
Phenylthiourea	Thiourea, phenyl-	103-85-5	P093

Phosgene	Carbonic dichloride	75-44-5	P095
Phosphine	Same	7803-51-2	P096
Phorate	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester	298-02-2	P094
Phthalic acid esters, N.O.S.			
Phthalic anhydride	1,3-Isobenzofurandione	85-44-9	U190
Physostigmine	Pyrrolo(2,3-b)indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-	57-47-6	P204
Physostigmine salicylate	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo(2,3-b)indol-5-yl methylcarbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.			
Potassium cyanide	Same	151-50-8	P098
Potassium dimethyldithio-carbamate	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, (hydroxy-methyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-methyldithio-carbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium)	506-61-6	P099
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	7778736	None
Promecarb	Phenol, 3-methyl-5-(1-methyl-ethyl)-, methyl carbamate	2631-37-0	P201
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	23950-58-5	U192
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
Propham	Carbamic acid, phenyl-, 1-methyl-ethyl ester	122-42-9	U373
Propoxur	Phenol, 2-(1-methylethoxy)-, methylcarbamate	114-26-1	U411
n-Propylamine	1-Propanamine	107-10-8	U194
Propargyl alcohol	2-Propyn-1-ol	107-19-7	P102
Propylene dichloride	Propane, 1,2-dichloro-	78-87-5	U083
1,2-Propylenimine	Aziridine, 2-methyl-	75-55-8	P067
Propylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	51-52-5	
Prosulfocarb	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester	52888-80-9	U387

Pyridine	Same	110-86-1	U196
Reserpine	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-((3,4,5-trimethoxybenzoyl)oxy)-, methyl ester, (3β,16β,17α,18β,20α)-	50-55-5	U200
Resorcinol	1,3-Benzenediol	108-46-3	U201
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7	U203
Selenium	Same	7782-49-2	
Selenium compounds, N.O.S.			
Selenium dioxide	Selenious acid	7783-00-8	U204
Selenium sulfide	Selenium sulfide SeS_2	7488-56-4	U205
Selenium, tetrakis(dimethyl-dithiocarbamate	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with ortho-thioselenious acid	144-34-3	
Selenourea	Same	630-10-4	P103
Silver	Same	7440-22-4	
Silver compounds, N.O.S.			
Silver cyanide	Silver cyanide AgCN	506-64-9	P104
Silvex (2,4,5-TP)	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106
Sodium dibutyldithiocarbamate	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1	
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
Streptozotocin	D-Glucose, 2-deoxy-2-(((methyl-nitrosoamino)carbonyl)amino)-	18883-66-4	U206
Strychnine	Strychnidin-10-one	57-24-9	P108
Strychnine salts			P108
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7	
TCDD	Dibenzo(b,e)(1,4)dioxin, 2,3,7,8-tetrachloro-	1746-01-6	
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5	
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207
Tetrachlorodibenzo-p-dioxins			
Tetrachlorodibenzofurans			
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7	
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209

Tetrachloroethylene	Ethene, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl-	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallic oxide	Thallium oxide Tl_2O_3	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride TlCl	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanimidothioic acid, N,N'-(thiobis((methylimino)carbonyl-oxy))-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-((methylamino)-carbonyl)oxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, (1,2-phyenylenebis(iminocarbono-thioyl))bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide $((H_2N)C(S))_2S_2$, tetramethyl-	137-26-8	U244
Tirpate	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-((methylamino)-carbonyl)oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223

o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzeneamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.		25735-29-9	
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro-	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
O,O,O-Triethylphosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl)phosphine sulfide	Aziridine, 1,1',1"-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
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	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-(bis(2-chloroethyl)amino)-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V_2O_5	1314-62-1	P120
Vernolate	Carbamothioc acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro-	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent	81-81-2	P001

Warfarin salts, when present at concentrations less than 0.3 percent			U248
Warfarin salts, when present at concentrations greater than 0.3 percent			P001
Zinc cyanide	Zinc cyanide $Zn(CN)_2$	557-21-1	P121
Zinc phosphide	Zinc phosphide P_2Zn_3, when present at concentrations greater than 10 percent	1314-84-7	P122
Zinc phosphide	Zinc phosphide P_2Zn_3, when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamo-dithioato-S,S')- (T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class that are not specifically listed by name in this Section.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.APPENDIX I Wastes Excluded by Administrative Action

Section 721.TABLE A Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Non-Specific Sources

Facility Address	Waste Description

(None excluded from an Illinois source at this time)

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

Section 721.APPENDIX I Wastes Excluded by Administrative Action

Section 721.TABLE B Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Specific Sources

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains USEPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples and one grab

	sample is taken each hour from each treatment unit, composited, and TCLP tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue must be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.

Conversion Systems, Inc. Horsham, Pennsylvania (Sterling, Illinois operations)	Chemically stabilized electric arc furnace dust (CSEAFD) that is generated by Conversion Systems, Inc. (CSI) (using the Super Detox® treatment process, as modified by CSI to treat electric arc furnace dust (EAFD) (USEPA hazardous waste no. K061)), at the following site and which is disposed of in a RCRA Subtitle D municipal solid waste landfill (MSWLF): Northwestern Steel, Sterling, Illinois. CSI must implement a testing program for each site that meets the following conditions: 1. Verification testing requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), must be used without substitution. As applicable, the EPA-530/SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses USEPA Method 1664, Rev. A), 9071B, and 9095B. A. Initial verification testing: During the first 20 days of full-scale operation of a newly-constructed Super Detox® treatment facility, CSI must analyze a minimum of four composite samples of CSEAFD representative of the full 20-day period. Composite samples must be composed of representative samples collected from every batch generated. The CSEAFD samples must be analyzed for the constituents listed in condition 3 below. CSI must report the operational and analytical test data, including quality control information, obtained during this initial period no later than 60 days after the generation of the first batch of CSEAFD. B. Addition of new Super Detox® treatment facilities to the exclusion: Option 1: If USEPA approves additional facilities, CSI may petition the Board for identical-in substance amendment of this exclusion pursuant to

Section 22.4 for the Act and 35 Ill. Adm. Code 102 and 720.120(a), or

Option 2: If USEPA has not approved such amendment, CSI may petition the Board for amendment pursuant to the general rulemaking procedures of Section 27 of the Act and 35 Ill. Adm. Code 102 and 720.120(b); or

Option 3: Alternatively to options 1 or 2 above, CSI may petition the Board for a hazardous waste delisting pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 and 35 Ill. Adm. Code 720.122.

If CSI pursues general rulemaking (option 2 above) or hazardous waste delisting (option 3 above), it must demonstrate that the CSEAFD generated by a specific Super Detox® treatment facility consistently meets the delisting levels specified in condition 3 below.

C. Subsequent verification testing: For the approved facility, CSI must collect and analyze at least one composite sample of CSEAFD each month. The composite samples must be composed of representative samples collected from all batches treated in each month. These monthly representative samples must be analyzed, prior to the disposal of the CSEAFD, for the constituents listed in condition 3 below. CSI may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous.

2. Waste holding and handling: CSI must store as hazardous all CSEAFD generated until verification testing, as specified in condition 1A or 1C above, as appropriate, is completed and valid analyses demonstrate that condition 3 below is satisfied. If the levels of constituents measured in the samples of CSEAFD do not exceed the levels set forth in condition 3, then the CSEAFD is non-hazardous and may be disposed of in a RCRA Subtitle D municipal solid waste landfill. If constituent levels in a sample exceed any of the delisting levels set forth in condition 3 below, the CSEAFD generated during the time period corresponding to this sample must be retreated until it meets these levels

or managed and disposed of as hazardous waste, in accordance with 35 Ill. Adm. Code 702 through 705, 720 through 728, 733, 738, and 739. CSEAFD generated by a new CSI treatment facility must be managed as a hazardous waste prior to the addition of the name and location of the facility to this exclusion pursuant to condition 1C above. After addition of the new facility to the exclusion pursuant to condition 1B above, CSEAFD generated during the verification testing in condition 1A is also non-hazardous if the delisting levels in condition 3 are satisfied.

3. Delisting levels: All leachable concentrations for metals must not exceed the following levels (in parts per million (ppm)): antimony—0.06; arsenic—0.50; barium—7.6; beryllium—0.010; cadmium—0.050; chromium—0.33; lead—0.15; mercury—0.009; nickel—1; selenium—0.16; silver—0.30; thallium—0.020; vanadium—2; and zinc—70. Metal concentrations must be measured in the waste leachate by the method specified in Section 721.124.

4. Changes in operating conditions: After initiating subsequent testing, as described in condition 1C, if CSI significantly changes the stabilization process established pursuant to condition 1 (e.g., use of new stabilization reagents), CSI must seek amendment of this exclusion using one of the options set forth in condition 1B above. After written amendment of this exclusion, CSI may manage CSEAFD wastes generated from the new process as non-hazardous if the wastes meet the delisting levels set forth in condition 3 above.

5. Data submittals: At least one month prior to operation of a new Super Detox® treatment facility, CSI must notify the Agency in writing when the Super Detox® treatment facility is scheduled to be on-line. The data obtained through condition 1A must be submitted to the Agency within the time period specified. Records of operating conditions and analytical data from condition 1 must be compiled, summarized, and maintained on site for a minimum of five years. These records and data must be furnished to the Agency upon request and made available for inspection. Failure to submit the required data within the specified time period or to maintain the required records on site for the specified time will be considered a violation of the Act and Board regulations. All data submitted must be accompanied by a signed copy of the

following certification statement to attest to the truth and accuracy of the data submitted:

"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations, I certify that the information contained in or accompanying this document is true, accurate, and complete.

"As to (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

"In the event that any of this information is determined by the Board or a court of law to be false, inaccurate, or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by the Board or court and that the company will be liable for any actions taken in contravention of the company's obligations under the federal RCRA and Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601 et seq.) and corresponding provisions of the Act premised upon the company's reliance on the void exclusion."

BOARD NOTE: The obligations of this exclusion are derived from but also distinct from the obligations under the corresponding federally-granted exclusion of table 2 of appendix IX to 40 CFR 261.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.APPENDIX I Wastes Excluded by Administrative Action

Section 721.TABLE C Wastes Excluded by USEPA pursuant to 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

Facility Address	Waste Description

(None excluded from an Illinois source at this time)

(Source: Amended at 37 Ill. Reg. 3213, effective March 4, 2013)

Section 721.APPENDIX I Wastes Excluded by Administrative Action

Section 721.TABLE D Wastes Excluded by the Board by Adjusted Standard

The Board has entered the following orders on petitions for adjusted standards for delisting, pursuant to 35 Ill. Adm. Code 720.122.

AS 91-1 Petition of Keystone Steel & Wire Co. for Hazardous Waste Delisting (Feb. 6, 1992 and Apr. 23, 1992). (Chemically stabilized electric arc furnace dust (K061 waste).)

AS 91-3 Petition of Peoria Disposal Company for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D (Feb. 4, 1993 and Mar. 11, 1993). (Chemically stabilized wastewater treatment sludges from electroplating, anodizing, chemical milling and etching, and circuit board manufacturing (F006 waste).)

AS 93-7 Petition of Keystone Steel & Wire Company for an Adjusted Standard from 35 Ill. Adm. Code 721.132 (Feb. 17, 1994, Mar. 17, 1994, and Dec. 14, 1994). (Chemically stabilized waste pickling liquor (K062 waste).)

AS 94-10 Petition of Envirite Corporation for an Adjusted Standard from 35 Ill. Adm. Code 721.Subpart D, AS 94-10 (Dec. 14, 1994 and Feb. 16, 1995). (Sludge from the treatment of multiple hazardous wastes (F006, F007, F008, F009, F011, F012, F019, K002, K003, K004, K005, K006, K007, K008, and K062 wastes).)

AS 08-5 Petition of BFI Waste Systems of North America, Inc. for Waste Delisting (Dec. 4, 2008). (F039 waste)

AS 08-10 RCRA Delisting Adjusted Standard Petition of Peoria Disposal Co. (Jan. 8, 2009). (Treated K061 waste)

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

Section721.APPENDIX J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)

(Source: Repealed at 18 Ill. Reg. 12175, effective July 29, 1994)

Section 721.APPENDIX Y Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)

(Source: Repealed at 42 Ill. Reg. 21673, effective November 19, 2018)

Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid Waste

The following table lists the instances when a recycled secondary material is solid waste, based on the type of secondary material and the mode of material management during recycling. This table supports the requirements of the recycling provision of the definition of solid waste rule, at Section 721.102(c).

Table

	1	2	3	4
	Use constituting disposal	Burning for energy recovery or use to produce a fuel	Reclamation (except as provided in Section 721.104-(a)(17), (a)(23), (a)(24), or (a)(27))	Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	No	No
Scrap metal that is not excluded pursuant to Section 721.104(a)(13)	Yes	Yes	Yes	Yes

Yes - Defined as a solid waste
No - Not defined as a solid waste

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2017). The terms "spent materials", "sludges", "by-products", "scrap metal", and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)

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

PART 722
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

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722.105 Electronic Reporting
722.110 Purpose, Scope, and Applicability
722.111 Hazardous Waste Determination
722.112 USEPA Identification Numbers (Repealed)
722.113 Generator Category Determination
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722.152 General Requirements (Repealed)
722.153 Notification of Intent to Export (Repealed)
722.154 Special Manifest Requirements (Repealed)
722.155 Exception Report (Repealed)
722.156 Annual Reports (Repealed)
722.157 Recordkeeping (Repealed)
722.158 International Agreements (Repealed)
722.160 Imports of Hazardous Waste (Repealed)

SUBPART G: FARMERS

Section
722.170 Farmers

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

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722.181 Definitions
722.182 General Conditions
722.183 Exports of Hazardous Waste
722.184 Imports of Hazardous Waste
722.185 Contracts (Repealed)
722.186 Provisions Relating to Recognized Traders (Repealed)
722.187 Reporting and Recordkeeping (Repealed)
722.189 OECD Waste Lists (Repealed)

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722.360 Purpose and Implementation of Contingency Plan
722.361 Content of Contingency Plan
722.362 Copies of Contingency Plan
722.363 Amendment of Contingency Plan
722.364 Emergency Coordinator

722.365 Emergency Procedures

722.APPENDIX A Hazardous Waste Manifest (Repealed)

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17950, effective September 28, 1998; amended in R00-5 at 24 Ill. Reg. 1136, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9822, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5105, effective June 20, 2000; amended in R05-2 at 29 Ill. Reg. 6312, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3138, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 871, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11927, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18817, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17888, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8773, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17763, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1700, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11717, effective August 9, 2016; recodified at 42 Ill. Reg. 11553; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22047, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 563, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5955, May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15263, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9846, effective June 20, 2024; R24-12 at 48 Ill. Reg. 16994, effective November 22, 2024.

SUBPART A: GENERAL

Section 722.101 Definitions

As used in this Part, the following terms have the following meanings:

"Condition for exemption" means any requirement in Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in 35 Ill. Adm. Code 702, 703, and 724 through 728, or from any requirement for notification under section 3010 of RCRA (42 USC 6930) for treatment storage, and disposal facilities.

"Independent requirement" means a requirement of this Part that states an event, action, or standard that must occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status, and operating requirements under Sections 722.114 through 722.117, 722.170, or Subpart K or Subpart L.

(Source: Amended at 48 Ill. Reg. 16994, effective November 22, 2024)

Section 722.105 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2017).

(Source: Renumbered from Section 722.113 and amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.110 Purpose, Scope, and Applicability

a) This Part establishes standards for generators of hazardous waste, as defined by 35 Ill. Adm. Code 720.110.

1) A person who generates a hazardous waste, as defined by 35 Ill. Adm. Code 721, is subject to all the applicable independent requirements in the following provisions:

A) Independent Requirements of a VSQG

i) Section 722.111(a) through (d) (hazardous waste determination and recordkeeping); and

ii) Section 722.113 (generator category determination).

B) Independent Requirements of a SQG

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs);

vi) Section 722.140 (recordkeeping);

vii) Section 722.144 (recordkeeping for SQGs); and

viii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

C) Independent Requirements of a LQG

i) Section 722.111 (hazardous waste determination and recordkeeping);

ii) Section 722.113 (generator category determination);

iii) Section 722.118 (USEPA identification numbers and re-notification for SQGs and LQGs);

iv) Subpart B (manifest requirements applicable to SQGs and LQGs);

v) Subpart C (pre-transport requirements applicable to SQGs and LQGs;

vi) Subpart D (recordkeeping and reporting applicable to SQGs and LQGs, except Section 722.144); and

vii) Subpart H (transboundary movements of hazardous waste for recovery or disposal).

2) A generator that accumulates hazardous waste on site is a person that stores hazardous waste; this generator is subject to the applicable requirements of 35 Ill. Adm. Code 702, 703, and 724 through 727 and section 3010 of RCRA (42 USC 6930), for treatment, storage, and disposal facilities unless the generator is one of the following:

A) A VSQG that meets the conditions for exemption in Section 722.114;

B) A SQG that meets the conditions for exemption in Sections 722.115 and 722.116; or

C) A LQG that meets the conditions for exemption in Sections 722.115 and 722.117.

3) A generator must not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in 35 Ill. Adm. Code 720.110, or which is not otherwise authorized to receive the generator's hazardous waste.

b) Determining Generator Category. A generator must use Section 722.113 to determine which provisions of this Part are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

c) This subsection (c) corresponds with 40 CFR 262.10(c), which USEPA removed and marked "reserved". This statement maintains structural consistency with the federal provision.

d) Any person that exports or imports hazardous waste must comply with Section 722.118 and Subpart H.

e) Any person that imports hazardous waste into the United States must comply with the generator standards of this Part.

f) A farmer that generates waste pesticides that are hazardous waste and that complies with Section 722.170 is not required to comply with other standards in this Part or 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to such pesticides.

g) Generator Violation and Noncompliance

1) A generator's violation of an independent requirement is subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

2) A generator's noncompliance with a condition for exemption in this Part is not subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act as a violation of a condition for exemption provided in this Part. Noncompliance by any generator with an applicable condition for exemption from storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the

permit, interim status, and operations requirements in 35 Ill. Adm. Code 702, 703, and 724 through 727, and the notification requirements of section 3010 of RCRA (42 USC 6930). Without an exemption, any violations of such storage requirements are subject to enforcement action under Title VIII of the Act, including Board orders, and the penalties provided by Title XII of the Act.

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

i) A person responding to an explosives or munitions emergency under 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D) and 35 Ill. Adm. Code 703.121(a)(4) or (c) is not required to comply with the standards of this Part.

j) This subsection (j) corresponds with 40 CFR 262.10(j), which USEPA removed and marked "reserved". This statement maintains structural consistency with USEPA rules.

k) This subsection (k) corresponds with 40 CFR 262.10(k), a provision that relates only to facilities in the Commonwealth of Massachusetts. This statement maintains structural consistency with USEPA rules.

l) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of Subpart K are not subject to the requirements in subsections (l)(1) and (l)(2), except as specifically otherwise provided in Subpart K. For this subsection (l), the terms "laboratory" and "eligible academic entity" must have the meanings given them in Section 722.300.

1) The independent requirements of Section 722.111 or the regulations in Section 722.115 for an LQG or an SQG, except as provided in Subpart K; and

2) The conditions of Section 722.114 for a VSQG, except as provided in Subpart K.

m) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600) is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals instead of this Part.

n) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) must determine whether it is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). A healthcare facility that generates more than a

threshold quantity of hazardous waste is subject to Subpart P of 35 Ill. Adm. Code 726 for the management of hazardous waste pharmaceuticals instead of this Part. A threshold quantity of hazardous waste is 100 kg (220 pounds) of hazardous waste in a calendar month; more than 1 kg (2.2 pounds) of acute hazardous waste in a calendar month; or more than 100 kg (220 pounds) in a calendar month of any residue or contaminated soil, water, or other debris resulting from the clean-up of a spill of any acute hazardous wastes listed in 35 Ill. Adm. Code 721.131 or 721.133(e) into or on any land or water. A healthcare facility that is a VSQG when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to Section 722.114 and is not subject to Subpart P of 35 Ill. Adm. Code 726, except that the healthcare facility remains subject to 35 Ill. Adm. Code 726.605 and 726.607 and the optional provisions of 35 Ill. Adm. Code 726.604.

BOARD NOTE: A generator that treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements in 35 Ill. Adm. Code 702, 703, 724 through 728, 733, and 739.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.111 Hazardous Waste Determination

A person that generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, must make an accurate determination as to whether that waste is a hazardous waste to ensure that the waste is properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps:

a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

b) The person must determine whether the solid waste is excluded from regulation under 35 Ill. Adm. Code 721.104.

c) If the waste is not excluded under 35 Ill. Adm. Code 721.104, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under Subpart D of 35 Ill. Adm. Code 721. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If a waste is listed, the person may file a delisting petition under 35 Ill. Adm. Code 720.120 and 720.122 to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.

d) The person then must also determine whether the waste exhibits one or more hazardous characteristics, as identified in Subpart C of 35 Ill. Adm. Code 721, by following the procedures in subsection (d)(1) or (d)(2), or a combination of both.

1) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method in Subpart C of 35 Ill. Adm. Code 721, or an equivalent test method approved by the Agency or the Board under 35 Ill. Adm. Code 720.121, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, the tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

2) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods in Subpart C of 35 Ill. Adm. Code 721 or according to an equivalent method approved by the Administrator under 35 Ill. Adm. Code 720.121 and complying with the following:

A) A persons testing its waste must obtain a representative sample of the waste for the testing, as defined at 35 Ill. Adm. Code 720.110.

B) Where a test method is specified in Subpart C of 35 Ill. Adm. Code 721, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.

e) If the generator determines that the waste is hazardous, the generator must refer to 35 Ill. Adm. Code 721, 724 through 728, and 733 for possible exclusions or restrictions pertaining to the management of the specific waste.

f) Recordkeeping for SQGs and LQGs. A SQG or LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 35 Ill. Adm. Code 721.103. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the

generator's determination, as described at subsections (c) and (d). The records must include the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in compliance with this Section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of the tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subsection (d)(1). The periods of record retention referred to in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (f) is subject to Board review under Section 40 of the Act.

g) Identifying USEPA Hazardous Waste Numbers for SQGs and LQGs. Consistent with subsection (d), if the waste is determined to be hazardous, SQGs and LQGs must identify all applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721. Prior to shipping the waste off site, the generator also must mark its containers with all applicable USEPA hazardous waste numbers (USEPA hazardous waste numbers) according to 35 Ill. Adm. Code 722.132.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.112 USEPA Identification Numbers (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.113 Generator Category Determination

A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each calendar month and may change from calendar month to calendar month. This Section sets forth procedures to determine whether a generator is a VSQG, an SQG, or an LQG for a particular calendar month, as defined in 35 Ill. Adm. Code 720.110.

a) Generators of Either Acute Hazardous Waste or Non-acute Hazardous Waste. A generator that either generates acute hazardous waste or non-acute hazardous waste in a calendar month must determine its generator category for that month by doing the following:

1) Counting the total amount of hazardous waste generated in the calendar month;

2) Subtracting from the total any amounts of waste exempt from counting, as described in subsections (c) and (d); and

3) Determining the resulting generator category for the hazardous waste generated using the table in subsection (g).

b) Generators of Both Acute and Nonacute Hazardous Waste. A generator that generates both acute hazardous waste and non-acute hazardous waste in the same calendar month must determine its generator category for that month by doing the following:

1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

2) Subtracting from each total any amounts of waste exempt from counting, as described in subsections (c) and (d);

3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using the table in subsection (g); and

4) Comparing the resulting generator categories from subsection (b)(3) and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that calendar month.

c) When making the monthly quantity-based determinations required by this Part, the generator must include all hazardous waste that it generates, except the following hazardous wastes:

1) Hazardous waste that is exempt from regulation under 35 Ill. Adm. Code 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;

2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;

3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 35 Ill. Adm. Code 721.106(c)(2);

4) Hazardous waste that is used oil managed under the requirements of 35 Ill. Adm. Code 721.106(a)(4) and 739;

5) Hazardous waste that is spent lead-acid batteries managed under the requirements of Subpart G of 35 Ill. Adm. Code 726;

6) Hazardous waste that is universal waste managed under 35 Ill. Adm. Code 721.109 and 733;

7) Hazardous waste that is a hazardous waste that is an unused commercial chemical product (listed in Subpart D of 35 Ill. Adm. Code 721 or exhibiting one or more characteristics in Subpart C of 35 Ill. Adm. Code 721) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity under Section 722.313. For purposes of this provision, the term eligible academic entity must have the meaning as defined in Section 722.300;

8) Hazardous waste that is managed as part of an episodic event in compliance with the conditions of Subpart L; or

9) A hazardous waste pharmaceutical, as defined in 35 Ill. Adm. Code 726.600, that is subject to or managed under Subpart P of 35 Ill. Adm. Code 726, or a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance that is conditionally exempt under 35 Ill. Adm. Code 726.606.

d) In determining the quantity of hazardous waste generated in a calendar month, a generator need not include any of the following:

1) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was previously counted once for the purposes of this Section;

2) Hazardous waste generated by onsite treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once for the purposes of this Section; and

3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on site, so long as such spent materials have been previously counted once for the purposes of this Section.

e) Based on the generator category, as determined under this Section, the generator must meet the applicable independent requirements listed in Section 722.110. A generator's category also determines which of the provisions of Sections 722.114, 722.115, 722.116, or 722.117 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

f) Mixing Hazardous Waste with Solid Waste

1) VSQG Waste

A) Hazardous waste generated by a VSQG may be mixed with solid wastes. A VSQG may mix a portion or all of its hazardous waste with solid waste and remain subject to Section 722.114, even though the resultant mixture exceeds the quantity limits identified in the definition of VSQG at 35 Ill. Adm. Code 720.110, unless the

mixture exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) If the resulting mixture described in subsection (f)(1)(A) exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The VSQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the VSQG calendar month quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the very small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the VSQG must meet the conditions for exemption applicable to either an SQG or an LQG. The VSQG must also comply with the applicable independent requirements for either an SQG or an LQG.

C) If a VSQG's waste is mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 35 Ill. Adm. Code 739.

2) SQG and LQG Waste

A) Hazardous wastes generated by an SQG or LQG may be mixed with solid waste. These mixtures are subject to the following requirements: the mixture rule in 35 Ill. Adm. Code 721.103(a)(2)(iv), (b)(2) and (b)(3), and (g)(2)(A); the prohibition against dilution rule at 35 Ill. Adm. Code 728.103(a); the land disposal restriction requirements of 35 Ill. Adm. Code 728.140 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at Section 722.111.

B) If the resulting mixture described in subsection (f)(2)(A) is found to be a hazardous waste, this resultant mixture is a newly-generated hazardous waste. An SQG must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the SQG calendar monthly quantity limits identified in the definition of generator categories found in 35 Ill. Adm. Code 720.110. If the total quantity exceeds the small generator calendar quantity limits, to remain exempt from the permitting, interim status, and operating standards, the SQG must meet the conditions for exemption applicable to an LQG. The SQG must also comply with the applicable independent requirements for an LQG.

g) Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of acute hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month	Generator category
> 1 kg (> 2.2 lb)	Any amount	Any amount	LQG
Any amount	≥ 1,000 kg (≥ 2,200 lbs)	Any amount	LQG
Any amount	Any amount	> 100 kg (> 220 lbs)	LQG
≤ 1 kg (≤ 2.2 lbs)	> 100 kg and < 1,000 kg (> 220 lbs and < 2,200 lbs)	≤ 100 kg (≤ 220 lbs)	SQG
≤ 1 kg (≤ 2.2 lbs)	≤ 100 kg	≤ 100 kg (≤ 220 lbs)	VSQG

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.114 Conditions for Exemption for a Very Small Quantity Generator

a) If a VSQG meets all the conditions for exemption listed in this Section, hazardous waste generated by the VSQG is not subject to the requirements of 35 Ill. Adm. Code 702, 703, 705, and 722 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), and the VSQG may accumulate hazardous waste on site without complying with these requirements, except that the VSQG must comply with this Section and Sections 722.110 through 722.113. The conditions for exemption are as follows:

1) In a calendar month, the VSQG generates less than or equal to the amounts specified in the definition of "VSQG" in 35 Ill. Adm. Code 720.110;

2) The VSQG complies with Section 722.111(a) through (d);

3) If the VSQG accumulates at any time greater than one kg (2.2 lbs) of acute hazardous waste or 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e), all quantities of that acute hazardous waste are

subject to the following additional conditions for exemption and independent requirements:

A) The waste is held on site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided in subsection (a)(3);

B) The conditions for exemption in Section 722.117(a) through (g);

C) Notification as a ‘‘very small quantity generator’’ in Section 722.118 (a) through (c);

D) Preparation and use of the manifest in Subpart B;

E) Pre-transport requirements in Subpart C;

F) Recordkeeping and reporting requirements in Subpart D; and

G) Requirements for transboundary movements of hazardous wastes in Subpart H.

4) If the VSQG accumulates at any time 1,000 kg (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

A) The waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided in subsection (a)(1);
BOARD NOTE: Section 722.116(c) allows an SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles for off-site treatment, storage, or disposal to accumulate the waste for up to 270 days.

B) The quantity of waste accumulated on site never exceeds 6,000 kg (13,200 lbs);

C) The VSQG meets the conditions for exemption in Section 722.116(b)(2) through (f);

D) Notification as a ‘‘very small quantity generator’’ under Section 722.118(a) through (c);

E) Preparation and use of the manifest in Subpart B;

F) Pre-transport requirements in Subpart C;

G) Recordkeeping and reporting requirements in Subpart D; and

H) Requirements for transboundary movements of hazardous wastes in Subpart H.

5) A VSQG that accumulates hazardous waste in amounts less than or equal to the limits in subsections (a)(3) and (a)(4) must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility. The facility, if located in the U.S., must be one of the following:

A) A permitted facility under 35 Ill. Adm. Code 702 and 703;

B) An interim status facility under Subpart C of 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 725;

C) A facility authorized to manage hazardous waste by a state whose hazardous waste management program is approved by USEPA under 40 CFR 271;

D) A municipal solid waste landfill that is subject to the standards of 40 CFR 258 and is permitted, licensed, or registered by a USEPA-authorized state to manage municipal solid waste;

E) A solid waste management facility that is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if the facility is a non-municipal non-hazardous waste disposal unit, the facility must comply with the requirements in subpart B of 40 CFR 257, incorporated by reference in 35 Ill. Adm. Code 720.111;

F) A facility which~~engaging in either of the following activities~~:

i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or ~~Beneficial use or reuse, or legitimate recycling or reclamation of its waste; or~~

ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; and~~Treating its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;~~

iii) For ignitable spent refrigerants regulated under Section 726 subpart Q, meets the requirements of that subpart.

G) For universal waste managed under 35 Ill. Adm. Code 733, a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733;

H) An LQG under the control of the same person as the VSQG, if the following conditions are met:

i) The VSQG and the LQG are under the control of the same person, as defined in 35 Ill. Adm. Code 720.110. "Control", for this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a generator facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, cannot be deemed to "control" the VSQG and LQG.

ii) The VSQG marks its containers of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents. Examples of indication of the hazards include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

I) A reverse distributor (as defined in 35 Ill. Adm. Code 726.600), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in 35 Ill. Adm. Code 726.600);

J) A healthcare facility (as defined in 35 Ill. Adm. Code 726.600) that meets the conditions in 35 Ill. Adm. Code 726.602(l) and 726.603(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG; or

K) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of 35 Ill. Adm. Code 721.104(j).

b) The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether sorbents have been added) in any landfill is prohibited.

c) A VSQG experiencing an episodic event may generate and accumulate hazardous waste in compliance with Subpart L instead of Sections 722.115, 722.116, and 722.117.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.115 Satellite Accumulation Area Regulations for a Small Quantity Generator or Large Quantity Generator

a) A generator may accumulate as much as 55 gallons (208 ℓ) of non-acute hazardous waste or either one quart (0.94 ℓ) of liquid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or 1 kg (2.2 lbs) of solid acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, provided that the generator complies with all of the conditions for exemption in this Section. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in Section 722.116(b) or 722.117(a), except as required in Section 722.115(a)(7) and (a)(8). The conditions for exemption for satellite accumulation are the following:

1) If a container holding hazardous waste is not in good condition, or if the container begins to leak, the generator must immediately transfer the hazardous waste from the leaking container to a container that is in good condition and not leaking, or immediately transfer and manage the waste in a central accumulation area operated in compliance with Section 722.116(b) or 722.117(a).

2) The generator must use a container made of or lined with materials that will not react with and that are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3) Special Standards for Incompatible Wastes

A) The generator must not place incompatible wastes or incompatible wastes and materials (see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples) in the same container, unless the generator complies with Section 725.117(b).

B) The generator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material

(see appendix V of 40 C.F.R. 265, incorporated by reference in 35 Ill. Adm. Code 720.111, for examples), unless the generator complies with Section 725.117(b).

C) The generator must separate a container holding hazardous waste or otherwise protect it by any practical means from any other incompatible waste or other materials accumulated nearby in other containers.

4) A container holding hazardous waste must be closed at all times during accumulation, except at the following times:

A) When the generator is adding, removing, or consolidating waste; or

B) When the generator is engaged in necessary temporary venting of a container for either of the following reasons:

i) For the proper operation of equipment; or

ii) To prevent dangerous situations, such as build-up of extreme pressure.

5) A generator must mark or label its container with the following:

A) The words "Hazardous Waste"; and

B) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111.

6) A generator who accumulates either acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e) or non-acute hazardous waste in excess of the amounts listed in subsection (a) at or near any point of generation must do the following:

A) Either:

i) Comply within three consecutive calendar days with the applicable central accumulation area regulations in Section 722.116(b) or 722.117(a); or

ii) Remove the excess from the satellite accumulation area within three consecutive calendar days to any of a central accumulation area operated in accordance with the applicable regulations in Section 722.116(b) or 722.117(a); an on-site interim status or permitted treatment, storage, or disposal facility; or an off-site designated facility.

B) During the three-consecutive-calendar-day period provided by subsection (a)(6)(A)(ii), the generator must continue to comply with subsections (a)(1) through (a)(5). The generator must mark or label the containers holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

7) All satellite accumulation areas operated by an SQG must meet the preparedness and prevention regulations of Section 722.116(b)(8) and emergency procedures at Section 722.116(b)(9).

8) All satellite accumulation areas operated by an LQG must meet the Preparedness, Prevention and Emergency Procedures in Subpart M.

b) This subsection (b) corresponds with 40 CFR 262.115(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.116 Conditions for Exemption for a Small Quantity Generator That Accumulates Hazardous Waste

An SQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703, 705, and 724 through 727, or the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, if all of the conditions for exemption listed in this Section are met:

a) Generation. The generator must generate in a calendar month no more than the amounts specified in the definition of "SQG" in 35 Ill. Adm. Code 720.110.

b) Accumulation. The generator accumulates hazardous waste on site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in subsections (c), (d), and (e). The following accumulation conditions also apply:

1) Accumulation Limit. The quantity of acute hazardous waste accumulated on site never exceeds 1 kilogram (2.2 pounds) and the quantity of non-acute hazardous waste accumulated on site never exceeds ~~must never exceed~~ 6,000 kg (13,200 lbs);

2) Accumulation of Hazardous Waste in Containers

A) Condition of Containers. If a container holding hazardous waste is not in good condition or the container begins to leak, the SQG must immediately transfer the hazardous waste from this container to a container that is in good condition or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.

B) Compatibility of Waste with Container. The SQG must use a container made of or lined with materials that will not react with and that are otherwise compatible with the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

C) Management of Containers

i) A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

ii) A container holding hazardous waste must not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

D) Inspections. At least weekly, the SQG must inspect central accumulation areas. The SQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (b)(2)(A) for remedial action required if deterioration or leaks are detected.

E) Special Conditions for Accumulation of Incompatible Wastes

i) The SQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) must not be placed in the same container, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the generator complies with 35 Ill. Adm. Code 725.117(b).

iii) The SQG must separate or protect a container accumulating hazardous waste, by means of a dike, berm, wall, or other device, from any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

3) Accumulation of Hazardous Waste in Tanks

A) This subsection (b)(3)(A) corresponds with 40 CFR 262.16(b)(3)(i), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

B) An SQG of hazardous waste must comply with the following general operating conditions:

i) Treatment or accumulation of hazardous waste in tanks must comply with 35 Ill. Adm. Code 725.117(b).

ii) The SQG must not place hazardous wastes or treatment reagents in a tank if the hazardous wastes or treatment reagents could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii) The SQG must operate uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv) If hazardous waste is continuously fed into a tank, the SQG must equip the tank with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

C) Except as noted in subsection (b)(3)(D), an SQG that accumulates hazardous waste in tanks must inspect each of the following, if present:

i) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least

once each operating day, to ensure that it is in good working order;

ii) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;

iii) The level of waste in the tank at least once each operating day, to ensure compliance with subsection (b)(3)(ii)(C);

iv) The construction materials of the tank at least weekly, to detect corrosion or leaking of fixtures or seams; and

v) The construction materials of discharge confinement structures and the immediately surrounding area (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The SQG must remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule that ensures that the problem does not lead to an environmental or human health hazard. If a hazard is imminent or has already occurred, the SQG must immediately take remedial action.

D) A SQG accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly, if applicable, the areas identified in subsections (b)(3)(C)(i) through (b)(3)(C)(v). Use of the alternate inspection schedule must be documented in the generator's operating record. This documentation must include a description of the established workplace practices at the SQG.

E) This subsection (b)(3)(E) corresponds with 40 CFR 262.116(b)(3)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulation.

F) An SQG accumulating hazardous waste in tanks must remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures upon closure of the facility. At closure, as throughout the operating period, unless the SQG can demonstrate, in compliance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from its tank is not a hazardous

waste, then it must manage such waste in accordance with all applicable provisions of this Part and 35 Ill. Adm. Code 722, 723, 725 and 728.

G) An SQG must comply with the following special conditions for accumulation of ignitable or reactive waste:

i) Ignitable or reactive waste must not be placed in a tank, unless the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and the SQG complies with 35 Ill. Adm. Code 725.117(b); the generator accumulates or treats the waste is in such a way that the waste is protected from any material or conditions that may cause it to ignite or react; or the SQG uses the tank solely for emergencies.

ii) An SQG that treats or accumulates ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30 (1977 or 1981), incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) An SQG must not place incompatible wastes, or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same tank or place hazardous waste in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with 35 Ill. Adm. Code 725.117(b).

4) Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the SQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725 (except 35 Ill. Adm. Code 725.545(c));

B) The SQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the generator removes from the drip pad are then subject to the 180-day accumulation limit in subsection (b) and Section 722.115 if hazardous wastes are being managed in satellite accumulation areas prior to being moved to the central accumulation area; and

C) The SQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

5) Accumulation of Hazardous Waste in Containment Buildings. If the SQG places waste in containment buildings, the SQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The SQG must label its containment buildings with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The SQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The SQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the generator's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90 day limit, and documentation that the SQG complies with the procedures; or

ii) Documentation that the SQG empties the unit at least once every 90 days.

iii) The SQG must maintain inventory logs or records with the above information on site and readily available for inspection.

6) Labeling and Marking of Containers and Tanks

A) Containers. An SQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An SQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

7) Land Disposal Restrictions. An SQG must comply with all the applicable requirements under 35 Ill. Adm. Code 728.

8) Preparedness and Prevention

A) Maintenance and Operation of Facility. An SQG must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

B) Required Equipment. An SQG must equip all areas where hazardous waste is either generated or accumulated with the items in subsections (b)(8)(B)(i) through (b)(8)(B)(iv) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below). An SQG may determine the most appropriate places to locate equipment necessary to prepare for and respond to emergencies.

i) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that

using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

C) Testing and Maintenance of Equipment. The SQG must test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, if required, as necessary to assure its proper operation in time of emergency.

D) Access to Communications or Alarm System

i) Whenever the SQG pours, mixes, spreads, or otherwise handles hazardous waste, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under subsection (a)(8)(B).

ii) When there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, that is capable of summoning external emergency assistance, unless such a device is not required under subsection (a)(8)(B).

E) Required Aisle Space. The SQG must maintain aisle space that allows the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

F) Arrangements with Local Authorities

i) The SQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if this is the

appropriate organization with which to make arrangements. An SQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. As part of this coordination, the SQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. If more than one police or fire department might respond to an emergency, the SQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department and with any others to provide support to the primary emergency authority.
BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

ii) An SQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms these arrangements actively exist or, in cases where no arrangements exist, confirming that the SQG attempted to make these arrangements.

iii) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within Illinois or the facility's locality, as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the SQG documents the waiver in the operating record.

9) Emergency Procedures. The SQG must comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated:

A) At all times, at least one employee must be either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (b)(9)(D). This employee is the emergency coordinator.

B) The SQG must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

i) The name and emergency telephone number of the emergency coordinator;

ii) The location of fire extinguishers and spill control material, and, if present, fire alarm; and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The SQG must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures that are relevant to their responsibilities during normal facility operations and emergencies;

D) The emergency coordinator or his or her designee must respond to any emergencies that arise. The required responses are the following:

i) In the event of a fire, the emergency coordinator must call the fire department or attempt to extinguish the fire using a fire extinguisher;

ii) When a spill occurs, the SQG must contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil. The SQG can either itself conduct this containment and cleanup or have a contractor perform the work on its behalf;

iii) When a fire, explosion, or other release occurs that could threaten human health outside the facility, or when the SQG has knowledge that a spill has reached surface water, the SQG must immediately notify the National Response Center (using the 24-hour toll free number, 800-424–8802). The report must include the name, address, and USEPA identification number of the SQG; the date, time, and type

of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of any injuries; and the estimated quantity and disposition of any recovered materials.

c) Transporting Waste More Than 200 Miles. An SQG that must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on site for 270 days or less without having a permit or interim status, provided that the SQG complies with the conditions of subsection (b).

d) Accumulation Time Limit Extension. An SQG that accumulates hazardous waste for more than 180 days (or for more than 270 days if the SQG must transport its waste or offer its waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal) is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727, and 728, unless the Agency has granted the SQG an extension to the 180-day (or 270-day if applicable) period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period under sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

e) Rejected Loads

1) An SQG may accumulate returned waste on site in accordance with subsections (a) through (d) under the following conditions:

A) The SQG sent the shipment of hazardous waste to a designated facility believing that the designated facility could accept and manage the waste; and

B) The generator later received that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172.

2) Upon receipt of the returned shipment, the SQG must do either of the following:

A) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

B) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

f) An SQG experiencing an episodic event may accumulate hazardous waste in accordance with Subpart L in lieu of Section 722.117.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.117 Conditions for Exemption for a Large Quantity Generator That Accumulates Hazardous Waste

An LQG may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of 35 Ill. Adm. Code 702, 703 and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG meets all of the following conditions for exemption:

a) Accumulation. The LQG may accumulate hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in subsections (b) through (e). The following accumulation conditions also apply:

1) Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the LQG must comply with the following requirements:

A) Air Emission Standards. The LQG must comply with the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725;

B) Condition of Containers. If a container holding hazardous waste is not in good condition, or if the container begins to leak, the LQG must immediately transfer the hazardous waste from the leaking container to a container that is in good condition or otherwise immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

C) Compatibility of Waste with Container. The LQG must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired;

D) Management of Containers

i) The LQG must always keep a container holding hazardous waste closed during accumulation, except when it is necessary to add or remove waste.

ii) The LQG must not open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause the container to leak.

E) Inspections. At least weekly, the LQG must inspect central accumulation areas. The LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See subsection (a)(1)(B) for remedial action required if the LQG detects deterioration or leaks.

F) Special Conditions for Accumulation of Ignitable and Reactive Wastes

i) The LQG must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from the facility's property line, unless the LQG obtains a written approval from the authority having jurisdiction over the local fire code that allows hazardous waste accumulation to occur within this restricted area. The LQG must maintain a record of the written approval as long as the LQG accumulates ignitable or reactive hazardous waste in this area.

ii) The LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. The LQG must separate and protect this waste from sources of ignition or reaction, including, but not limited to, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), or radiant heat. While handling ignitable or reactive waste, the LQG must confine smoking and open flame to specially designated locations. The LQG must conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.

G) Special Conditions for Accumulation of Incompatible Wastes

i) The LQG must not place incompatible wastes or incompatible wastes and materials (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111) in the same container, unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

ii) The LQG must not place hazardous waste in an unwashed container that previously held an incompatible waste or material (for examples, see appendix V to 40 CFR 265, incorporated by reference in 35 Ill. Adm. Code 720.111), unless the LQG complies with 35 Ill. Adm. Code 725.117(b).

iii) The LQG must separate a container holding hazardous waste or otherwise protect it by means of a dike, berm, wall, or other device from any other incompatible waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments.

2) Accumulation of Hazardous Waste in Tanks. If the LQG places the waste in tanks, the LQG must comply with the applicable requirements of Subpart J, except 35 Ill. Adm. Code 725.297(c) (Closure and Post-Closure Care) and 35 Ill. Adm. Code 725.300 (Waste Analysis and Trial Tests) and the applicable requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 725.

3) Accumulation of Hazardous Waste on Drip Pads. If the LQG places hazardous waste on drip pads, the LQG must comply with the following:

A) Subpart W of 35 Ill. Adm. Code 725;

B) The LQG must remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that the LQG removes from the drip pad are subject to the 90-day accumulation limit in subsection (a) and Section 722.115, if the LQG manages the hazardous wastes in satellite accumulation areas prior to moving them to a central accumulation area; and

C) The LQG must maintain on site at the facility the following records readily available for inspection:

i) A written description of procedures that the LQG follows to ensure that it removes all wastes from the drip pad and associated collection system at least once every 90 days; and

ii) Documentation of each waste removal, including the quantity of waste that the LQG removed from the drip pad and the sump or collection system and the date and time of removal.

4) Accumulation of Hazardous Waste in Containment Buildings. If the LQG places the waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. The LQG must label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on site. The LQG must also provide in a conspicuous place an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111. The LQG must also maintain both of the following:

A) The professional engineer certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. This certification must be in the LQG's files prior to operation of the unit; and

B) The following records, by use of inventory logs, monitoring equipment, or any other effective means:

i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the LQG complies with the procedures

ii) Documentation that the LQG empties the unit at least once every 90 days.

iii) The LQG must maintain inventory logs or records with the above information on site and readily available for inspection.

5) Labeling and Marking of Containers and Tanks

A) Containers. An LQG must mark or label its containers with the following:

i) The words "Hazardous Waste";

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date upon which each period of accumulation begins clearly visible for inspection on each container.

B) Tanks. An LQG accumulating hazardous waste in tanks must do the following:

i) Mark or label its tanks with the words "Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process or, in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

iv) Keep inventory logs or records with the above information on site and readily available for inspection.

6) Emergency Procedures. The LQG must comply with the standards in Subpart M (Preparedness, Prevention and Emergency Procedures for Large Quantity Generators).

7) Personnel Training

A) Personnel Training Program

i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic) or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Part. The LQG must ensure that this program includes all the elements described in the document required under subsection (a)(7)(D).

ii) A person trained in hazardous waste management procedures must direct the program, and the program must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which the LQG employs them.

iii) At a minimum, the design of the training program must ensure that facility personnel can respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, if applicable, procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; key parameters for automatic waste feed cut-off systems; communications or alarm systems; response to fires or explosions; response to ground-water contamination incidents; and shutdown of operations.

iv) For facility employees that receive emergency response training under 29 CFR 1910.120(p)(8) (Emergency response program) and 1910.120(q) (Emergency response to hazardous substance releases), incorporated by reference in 35 Ill. Adm. Code 720.111, the LQG is not required to provide separate emergency response training under this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

B) Facility personnel must successfully complete the program required in subsection (a)(7)(A) within six months after the date of their employment, assignment to the facility, or assignment to a

new position at the facility, whichever is later. An employee must not work in unsupervised positions until he or she has completed the training standards of subsection (a)(7)(A).

C) Facility personnel must take part in an annual review of the initial training required in subsection (a)(7)(A).

D) The LQG must maintain the following documents and records at the facility:

i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

ii) A written job description for each position listed under subsection (a)(7)(D)(i). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but the description must include the requisite skill, education, other qualifications, and duties of facility personnel assigned to each position;

iii) A written description of the type and amount of both introductory and continuing training that the LQG will give to each person filling a position listed under subsection (a)(7)(D)(i);

iv) Records documenting that the LQG has given and facility personnel has completed the training or job experience required by subsections (a)(7)(A), (B), and (C).

E) The LQG must keep training records on current personnel until closure of the facility. The LQG must keep training records on former employees for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8) Closure. An LQG accumulating hazardous wastes in containers, tanks, drip pads, and containment buildings, prior to closing the facility or a unit at the facility, must meet the following conditions:

A) Notification for Closure of a Waste Accumulation Unit. An LQG must perform one of the following when closing a waste accumulation unit, but not all waste accumulation units:

i) Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility (if the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record); or

ii) Meet the closure performance standards of subsection (a)(8)(C) for container, tank, and containment building waste accumulation units or subsection (a)(8)(D) for drip pads and notify USEPA and the Agency following the procedures in subsection (a)(8)(B)(ii) for the waste accumulation unit. ~~If the waste accumulation unit is subsequently reopened, the LQG may remove the notice from the operating record.~~

B) Notification for Closure of the Facility

i) Notify the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) no later than 30 days prior to closing the facility.

ii) Notify the Agency using USEPA Form 8700-12 within 90 days after closing the facility that it has complied with the closure performance standards of subsection (a)(8)(C) or (a)(8)(D). If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify the Agency using USEPA Form 8700-12 that it will close as a landfill under 35 Ill. Adm. Code 725.410 in the case of a container, tank, or containment building units. If the facility cannot meet the closure performance standards of subsection (a)(8)(C) or (a)(8)(D), notify using USEPA Form 8700-12 that it will close under the standards of 35 Ill. Adm. Code 725.545(b) for a facility with drip pads.

iii) An LQG may request additional time to clean close, but it must notify the Agency using USEPA Form 8700-12 within 75 days after the date provided in subsection (a)(8)(B)(i) to request an extension and provide an explanation as to why the additional time is required.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

C) Closure Performance Standards for Container, Tank Systems, and Containment Building Waste Accumulation Units

i) At closure, the LQG must close the waste accumulation unit or facility in a manner that minimizes the need for further maintenance by controlling, minimizing, or eliminating the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere to the extent necessary to protect human health and the environment.

ii) The LQG must remove or decontaminate all contaminated equipment, structures, soil, and any remaining hazardous waste residues from waste accumulation units, including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless 35 Ill. Adm. Code 721.103(d) applies.

iii) The LQG must manage any hazardous waste generated in the process of closing the LQG's facility or units accumulating hazardous waste in accordance with all applicable standards of 35 Ill. Adm. Code 722, 723, 725, and 728, including removing any hazardous waste contained in these units within 90 days of generating the waste and managing these wastes in a permitted or interim status hazardous waste treatment, storage, and disposal facility.

iv) If the LQG demonstrates that it cannot practicably remove or decontaminate any contaminated soils and wastes, as required in subsection (a)(8)(B)(ii), then the waste accumulation unit is a landfill, and the LQG must close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (35 Ill. Adm. Code 725.410). In addition, the LQG must meet all of the requirements for landfills specified in Subparts G and H of 35 Ill. Adm. Code 725 for the purposes of closure, post-closure, and financial responsibility, for a waste accumulation unit that is a landfill.

D) Closure Performance Standards for Drip Pad Waste Accumulation Units. At closure, the LQG must comply with the closure

requirements of subsections (a)(8)(B) and (a)(8)(C)(i), and (a)(8)(C)(iii) and 35 Ill. Adm. Code 725.545(a) and (b).

E) The closure requirements of this subsection (a)(8) do not apply to satellite accumulation areas.

9) Land Disposal Restrictions. The LQG must comply with all applicable requirements of 35 Ill. Adm. Code 728.

b) Accumulation Time Limit Extension. An LQG that accumulates hazardous waste for more than 90 days is subject to the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 90-day period. The Agency may grant an extension if hazardous wastes must remain on site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period under sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

c) Accumulation of F006 Waste. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 180 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), provided that the LQG complies with all of the following additional conditions for exemption:

1) The LQG has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise being released to the environment prior to recycling of the waste;

2) The F006 waste is legitimately recycled through metals recovery;

3) The LQG accumulates no more than 20,000 kg of F006 waste on site at any one time; and

4) The LQG manages the F006 waste in accordance with the following requirements:

A) Requirements for Managing F006 Waste

i) If the LQG places the F006 waste in containers, the LQG must comply with the applicable conditions for exemption in subsection (a)(1).

ii) If the LQG places the F006 waste in tanks, the LQG must comply with the applicable conditions for exemption in subsection (a)(2).

iii) If the LQG places the F006 waste in containment buildings, the LQG must comply with Subpart DD of 35 Ill. Adm. Code 725. Prior to operation of the unit, the LQG must place in the operating record of the facility the certification of a professional engineer that the containment building complies with the design standards specified in 35 Ill. Adm. Code 725.1101. The LQG must also place in the operating record either documentation that the LQG empties the unit is at least once every 180 days or all three of the following items: a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the facility waste generation and management practices showing that the practices are consistent with the 180-day limit, and documentation that the LQG is complying with the procedures.

B) The LQG is exempt from all requirements of Subparts G and H of 35 Ill. Adm. Code 725, except for those referenced in subsection (a)(8).

C) The LQG must clearly mark the date upon which each period of accumulation begins, and the date must be clearly visible for inspection on each container.

D) While accumulating waste on site, the LQG must clearly labeled or mark each container and tank is with the following:

i) The words “Hazardous Waste”; and

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172; a hazard statement or pictogram consistent with 29 CFR 1910.1200; or a chemical hazard label consistent with

NFPA 704, each incorporated by reference in 35 Ill. Adm. Code 720.111.

E) The LQG must comply with the requirements in subsections (a)(6) and (a)(7).

d) F006 Waste Transported over 200 Miles. An LQG also generating wastewater treatment sludges from electroplating operations that meet the listing description for the USEPA hazardous waste number F006 may accumulate F006 waste on site for more than 90 days but not more than 270 days without being subject to 35 Ill. Adm. Code 702, 703, and 724 through 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more for off-site metals recovery and the LQG complies with all of the conditions for exemption of subsections (c)(1) through (c)(4).

e) F006 Waste Accumulation Time Extension. An LQG accumulating F006 waste in accordance with subsections (c) and (d) that either accumulates F006 waste on site for more than 180 days (or for more than 270 days if the LQG must transport this waste or offer this waste for transportation over a distance of 200 miles or more) or accumulates more than 20,000 kg (44,000 lbs) of F006 waste on site is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 702, 703, 724, 725, 727 and the notification requirements of section 3010 of RCRA (42 USC 6930), unless the Agency has granted the LQG an extension to the 180-day period (or 270-day period, if applicable) or an exception to the 20,000- kg (44,000 lb) accumulation limit. The Agency may grant an extension of the accumulation period or an exception to the accumulation limit if F006 waste must remain on site for longer than 180 days (or 270 days, if applicable) or if more than 20,000 kg (44,000 lbs) of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. The Agency may grant an extension of up to 30 days or an exception to the accumulation limit on a case-by-case basis.

BOARD NOTE: The Agency may grant a provisional variance that extends the permissible accumulation period or accumulation amount limit under sections 35(b) and 36(c) of the Act. This subsection provides the basis for granting and maximum duration of an extension.

f) Consolidation of Hazardous Waste Received from VSQGs. An LQG may accumulate on site hazardous waste received from a VSQG under control of the same person (as defined in 35 Ill. Adm. Code 720.110), without a storage facility permit or interim status and without complying with the requirements of 35 Ill. Adm. Code 702, 703, and 724 through 728 and the notification requirements of section 3010 of RCRA (42 USC 6930) for treatment, storage, and disposal facilities, provided that the LQG complies with the following conditions. "Control", for this Section, means the power to direct the policies of the LQG and

VSQG, whether by the ownership of stock, voting rights, or otherwise, except that a contractor that operates a LQG or VSQG facility on behalf of a different person is not be considered to "control" the LQG or VSQG.

1) The LQG must notify the Agency at least 30 days prior to receiving the first shipment from a VSQG using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12); and

   A) The LQG must identify on the form the names and site addresses for the VSQG as well as the name and business telephone number for a contact person for the VSQG; and

   B) The LQG must submit an updated USEPA Form 8700-12 within 30 days after a change in the name or site address for the VSQG.

   BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) The LQG maintains records of shipments for three years from the date the LQG receives the hazardous waste from the VSQG. These records must identify the name, site address, and contact information for the VSQG and include a description of the hazardous waste received, including the quantity and the date the LQG received the waste.

3) The LQG must comply with the independent requirements identified in Section 722.110(a)(1)(C) and the conditions for exemption in this Section for all hazardous waste received from a VSQG. For the labeling and marking regulations in subsection (a)(5), the LQG must label the container or unit with the date accumulation started (i.e., the date the LQG received the hazardous waste from the VSQG). If the LQG is consolidating incoming hazardous waste from a VSQG with either its own hazardous waste or with hazardous waste from other VSQGs, the LQG must label each container or unit with the earliest date when the VSQG first accumulated on site any hazardous waste in the container.

g) Rejected Load. An LQG may accumulate the returned waste on site in compliance with subsections (a) and (b) if the LQG sent the shipment of hazardous waste to a designated facility believing that the designated facility can accept and manage the waste and later received that shipment back as a rejected load or residue in compliance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172. Upon receipt of the returned shipment, the LQG must do either of the following:

1) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.118 USEPA Identification Numbers and Re-Notification for a Small Quantity Generator or Large Quantity Generator

a) An SQG or LQG must not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received a USEPA identification number.

b) An SQG or LQG that has not received a USEPA identification number must obtain one by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). Upon receiving the request USEPA will assign a USEPA identification number to the generator.

c) An SQG or LQG must not offer its hazardous waste to a transporter or treatment, storage, or disposal facility that has not received a USEPA identification number.

d) Re-Notification

1) An SQG must renotify the Agency starting in 2021 and every four years thereafter using USEPA Form 8700-12. The SQG must submit this re-notification by September 1st of each year in which re-notification is required.

2) An LQG must renotify the Agency by March 1 of each even-numbered year thereafter using USEPA Form 8700-12. An LQG may submit this renotification as part of its annual report required by Section 722.141.

e) A recognized trader must not arrange for import or export of hazardous waste without having received a USEPA identification number from USEPA.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

SUBPART B: MANIFEST REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.120 General Requirements

a) Paper Manifest.~~Manifest Form Required~~

1) An SQG or LQG that transports hazardous waste or offers for transport a hazardous waste~~offers a hazardous waste for transportation~~ for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load,~~load of hazardous waste~~ must prepare a manifest (OMB Control number 2050-0039) on USEPA Form 8700-22, ~~(~~and, if necessary, ~~on~~ USEPA Form 8700-22A.~~)~~ Large and small quantity generators must register with the USEPA's e-Manifest system to obtain signed and dated copies of completed manifests from USEPA e-Manifest system and comply with subsection (a)(2). ~~according to the instructions included in the Uniform Hazardous Waste Manifest and Instructions~~

Board Note ~~(~~USEPA Forms 8700-22 and 8700-22A~~)~~, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Post-receipt manifest data corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the USEPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the Agency for portions of the manifest that a generator is required to complete, the generator must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in Section 725.171(l), which applies to corrections made to either paper or electronic manifests.~~This subsection (a)(2) corresponds with 40 CFR 262.20(a)(2), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.~~

3) E-Manifest. In lieu of using the manifest form specified in subsection (a)(1), a person required to prepare a manifest under subsection (a)(1) may prepare and use an e-Manifest, provided that the person complies with the following requirements:

A) Section 722.124 for use of e-Manifests; and

B) 40 CFR 3.10, incorporated by reference in 35 Ill. Adm. Code 720.111, for the reporting of electronic documents to USEPA.

b) An SQG or LQG must designate on the manifest one receiving facility that is permitted to handle the waste described on the manifest.

c) An SQG or LQG may also designate on the manifest one alternate receiving facility that is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

d) If the transporter is unable to deliver the hazardous waste to the designated receiving facility or the alternate facility, the SQG or LQG must either designate another receiving facility or instruct the transporter to return the waste.

e) The requirements of this Subpart B do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1,000 kg in a calendar month where the following conditions are fulfilled:

1) The waste is reclaimed under a contractual agreement that specifies the type of waste and frequency of shipments;

2) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

3) The SQG or LQG maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter must comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

(Source: Amended at 43 Ill. Reg. 563, effective December 6, 2018)

Section 722.121 Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

a) USEPA exclusively administers requirements for hazardous waste manifest forms and continuation sheets (USEPA Forms 8700-22 and 8700-22A). USEPA prescribes the manifest form format, content, printing, and registration requirements in 40 CFR 262.21.

b) Use of Approved Manifests

1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from USEPA to print the manifest pursuant to 40 CFR 262.21(c) and (e).

BOARD NOTE: USEPA maintains a listing of registered sources at https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry.

2) The waste generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. The generator must also determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

BOARD NOTE: This subsection (b) derives from 40 CFR 262.21(g). It is the only provision in 40 CFRF 262.21 that does not exclusively apply to the form format, content, printing, and registration requirements for manifests.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.122 Number of Copies

The manifest consists of at least that number of copies that will provide the generator; each transporter; and the owner or operator of the designated receiving treatment, storage, or disposal facility each with one copy for their records, plus provide one copy to be returned to the generator.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.123 Use of the Manifest

a) The generator must do the following:

1) Sign the manifest certification by hand;

2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

3) Retain one copy, in accordance with Section 722.140(a).

b) The generator must give the transporter the remaining copies of the manifest.

c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and

signed in accordance with this Section to the owner or operator of the designated receiving facility, if that facility is in the United States, or to the last water (bulk shipment) transporter to handle the waste in the United States, if the waste is exported by water. Copies of the manifest are not required for each transporter.

d) For rail shipments of hazardous waste within the United States that originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this Section to the following persons:

1) The next non-rail transporter, if any;

2) The designated receiving facility, if the waste is transported solely by rail; or

3) The last rail transporter to handle the waste in the United States, if the waste is exported by rail.

BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.

e) For shipments of hazardous waste to a designated receiving facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated receiving facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated receiving facility.

f) For rejected shipments of hazardous waste or container residues contained in non-empty containers that the designated facility has returned to the generator (following the procedures of 35 Ill. Adm. Code 724.172(f) or 725.172(f)), the generator must do each of the following:

1) The generator must sign the hazardous waste manifest (USEPA Form 8700-22) as follows:

A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

B) Item 18c of the original manifest if the original manifest is used for the returned shipment;

2) The generator must provide a copy of the manifest to the transporter;

3) Within 30 days after delivery of the rejected shipment or container residues contained in non-empty containers, the generator must send a copy of the manifest to the designated facility that returned the shipment to the generator; and

4) The generator must retain a copy of each manifest at the generator's site for at least three years from the date of delivery.

BOARD NOTE: The use of the term "non-empty containers" in this subsection (f) derives from the language of corresponding 40 CFR 262.23(f). "Non-empty containers", for the purposes of this subsection (f), are containers that are not deemed "empty" by the empty container rule of 35 Ill. Adm. Code 721.107. That rule allows a container that still contains waste residues to be considered "empty" under specified conditions. Thus, "container residues contained in non-empty containers" are subject to regulation as hazardous waste, and the requirements of this subsection (f) apply to those residues.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.124 Use of the Electronic Manifest

a) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, and transmitted in accordance with Section 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 721 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of Section 722.125.

2) Any requirement in 35 Ill. Adm. Code 721 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

3) Any requirement in any provision of 35 Ill. Adm. Code 721 through 728 for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed e-Manifest in the generator's account on the national e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized Agency inspector.

4) No generator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the generator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the generator bears no responsibility.

BOARD NOTE: The Board has rendered the language "and requirement in these regulations" in corresponding 35 Ill. Adm. Code 722.124(a) and (a)(1) through

(a)(3) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a). The Board intends that use of the e-Manifest System have the same effect in Illinois as it would where the federal requirements directly apply.

b) A generator may participate in the e-Manifest System either by accessing the e-Manifest System from its own electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

c) Restriction on Use of e-Manifests. A generator may use an e-Manifest for the tracking of waste shipments involving any hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the use of the electronic manifest, except that a generator may sign by hand and retain a paper copy of the manifest signed by hand by the initial transporter, in lieu of executing the generator copy electronically, thereby enabling the transporter and subsequent waste handlers to execute the remainder of the manifest copies electronically.

d) Requirement for One Printed Copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a generator originating an e-Manifest must also provide the initial transporter with one printed copy of the e-Manifest.

e) Special Procedures When e-Manifest Is Unavailable. If a generator has prepared an e-Manifest for a hazardous waste shipment, but the e-Manifest System becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (USEPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions, and use these paper forms from this point forward in accordance with the requirements of Section 722.123.

f) Special Procedures for Electronic Signature Methods Undergoing Tests. If a generator has prepared an e-Manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the generator must also sign with an ink signature the generator or offeror certification on the printed copy of the manifest provided under subsection (d).

g) This subsection (g) corresponds with 40 CFR 262.24(g), which USEPA has removed and marked "reserved". This statement maintains consistency with the corresponding federal rules.

h) Post-Receipt Manifest Data Corrections. After a facility has certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. A generator may participate electronically in the post-receipt data corrections process by following the process described in 35 Ill. Adm. Code 724.171(l), which applies to corrections made to either paper or electronic manifest records.

(Source: Amended at 43 Ill. Reg. 563, effective December 6, 2018)

Section 722.125 Electronic Manifest Signatures

Electronic signature methods for the e-Manifest System must fulfill the following criteria:

a) The signature must be a legally valid and enforceable signature under applicable USEPA and other federal requirements pertaining to electronic signatures; and

b) The signature must be a method that is designed and implemented in a manner that USEPA considers to be as cost-effective and practical as possible for the users of the e-Manifest System.

(Source: Added at 39 Ill. Reg. 1700, effective January 12, 2015)

Section 722.127 Waste Minimization Certification

A generator that initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment"; or

b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

BOARD NOTE: 35 Ill. Adm. Code 720.110 defines a "small quantity generator" as a generator that generates less than 1,000 kilograms of hazardous waste in any calendar month. There is no corresponding definition of "large quantity generator" in the federal regulations, but the Board interprets the term to mean a hazardous waste generator that is not a small quantity generator.

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

SUBPART C: PRE-TRANSPORT REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.130 Packaging

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable U.S. Department of Transportation (USDOT) regulations on packaging under 49 CFR 173 (Shippers—General Requirements for Shipments and Packages), 178 (Specifications for Packagings), and 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3138, effective February 23, 2006)

Section 722.131 Labeling

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3138, effective February 23, 2006)

Section 722.132 Marking

a) Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

b) Marking Small Containers. Before transporting hazardous waste or offering hazardous waste for transportation off site, a generator must mark each container of 119 gallons (450 ℓ) or less that is used in such transportation with the following words and information displayed in accordance with the requirements of 49 CFR 172.304 (Marking Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b):

1) HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

2) Generator's Name and Address _____.

3) Generator's USEPA Identification Number _____.

4) Manifest Tracking Number _____.

5) USEPA hazardous waste numbers _____.

c) A generator may use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers, as required by subsection (b)(5) or (d).

d) The generator need not mark lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) with USEPA hazardous waste numbers, except D004, D005, D006, D007, D008, D010, and D011, where applicable.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.133 Placarding

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172 (Placarding), incorporated by reference in 35 Ill. Adm. Code 720.111(b). If placards are not required, a generator must mark each motor vehicle according to 49 CFR 171.3(b)(1) (Hazardous Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 32 Ill. Reg. 11927, effective July 14, 2008)

Section 722.134 Accumulation Time (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.135 Liquids in Landfills Prohibition

The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids must meet the additional requirements as specified in 35 Ill. Adm. Code 724.414 and 725.414.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

SUBPART D: RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO SMALL AND LARGE QUANTITY GENERATORS

Section 722.140 Recordkeeping

a) A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until it receives a signed copy from the designated facility that received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

b) A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).

c) Section 722.111(f) requires documenting hazardous waste determinations.

d) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (d) is subject to Board review pursuant to Section 40 of the Act.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.141 Annual Reporting for Large Quantity Generators

a) A generator that is an LQG for at least one month of any calendar year (reporting year) shipping any hazardous waste off site to a treatment, storage or disposal facility within the United States must complete and submit an annual report to the Agency by March 1 of the following year. The annual report must be submitted on a form supplied by the Agency, and it must cover generator activities during the previous calendar year.

b) Any generator that is an LQG for at least one month of any calendar year (reporting year) treating, storing, or disposing of hazardous waste on site must complete and submit to the Agency by March 1 of the following year an annual report on a form provided by the Agency covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, and 724 through 727. This requirement also applies to an LQG that receives hazardous waste from a VSQG under Section 722.117(f).

c) Exports of hazardous waste to foreign countries are not required to be reported on the annual report form. Section 722.183(g) establishes a separate annual report requirement for hazardous waste exporters.

(Source: Amended at 44 Ill. Reg. 15263, effective September 3, 2020)

Section 722.142 Exception Reporting

a) For LQG.

1) A LQG that does not receive a copy of the manifest with the ~~handwritten~~ signature of the owner or operator of the designated facility within 45~~35~~ days of~~after~~ the date the waste was accepted by the initial transporter must contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.

2) A LQG must submit an Exception Report to the Agency if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 6045 days ofafter the date the waste was accepted by the initial transporter. The Exception Report must include the following documents:

A) A legible copy of the manifest for which the generator does not have a confirmation of delivery; and

B) A cover letter signed by the generator or the generator's authorized representative explaining the efforts taken to locate the hazardous waste and the result of those efforts.

3) Within 30 days of adoption, ~~Beginning on December 1, 2025~~, the Agency will no longer accept mailed paper Exception Reports from LQGs. Beginning on December 1, 2025, a LQG must submit an Exception Report to the USEPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

A) A legible copy of the manifest for which the generator does not have confirmation of delivery.

B) An explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

b) A SQG that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days after the date the waste was accepted by the initial transporter must: ~~submit a legible copy of the manifest to the Agency, with some indication that the generator has not received confirmation of delivery.~~

1) Submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Agency.

BOARD NOTE: The submission need be only a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned copy was not received.

2) Within 30 days of adoption, the Agency will no longer accept mailed paper Exception Reports from SQGs. Beginning on December 1, 2025, a SQG must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Agency. Generators that are normally VSQGs but are subject to the SQG provisions of this subsection (b) because of an episodic generation event pursuant to

Section 722.332.(a)(5) must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Agency.

c) A generator must comply with the requirements of subsection (a) or (b), as applicable, when a designated facility has forwarded a rejected shipment of hazardous waste or container residues contained in non-empty containers to an alternate facility using a new manifest (following the procedures of 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or 725.172(e)(1) through (e)(6)). For generator compliance with subsection (a) or (b), when a designated facility forwards a shipment of rejected waste to an alternate facility, the following requirements apply:

1) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

2) The ~~35-,~~ 45-~~,~~ or 60-day timeframes begin on the date that the initial transporter accepts the waste from the designated facility for shipment to the alternate facility.

d) Exception Report Retention

1) Beginning on December 1, 2025, any requirement in Section 722.140 for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the USEPA e-Manifest system, provided that the Exception Report is readily available if requested by the Agency.

2) Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.143 Additional Reporting

The Agency, as it deems necessary under Section 4 of the Illinois Environmental Protection Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in 35 Ill. Adm. Code 721.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.144 Recordkeeping for Small Quantity Generators

Of the requirements in this Subpart D, an SQG is subject to only the following independent requirements:

a) Section 722.140(a), (c), and (d), recordkeeping;

b) Section 722.142(b), exception reporting; and

c) Section 722.143, additional reporting.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.150 Applicability (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.151 Definitions (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.152 General Requirements (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.153 Notification of Intent to Export (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.154 Special Manifest Requirements (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.155 Exception Report (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.156 Annual Reports (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.157 Recordkeeping (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.158 International Agreements (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.160 Imports of Hazardous Waste (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

SUBPART G: FARMERS

Section 722.170 Farmers

A farmer disposing of waste pesticides from the farmer's own use that are hazardous wastes is not required to comply with the standards in this Part or other standards in 35 Ill. Adm. Code 702, 703, 724, 725, or 728 for those wastes, provided the farmer triple rinses each emptied pesticide container in accordance with 35 Ill. Adm. Code 721.107(b)(3) and disposes of the pesticide residues on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label.

(Source: Amended at 29 Ill. Reg. 6312, effective April 22, 2005)

SUBPART H: TRANSBOUNDARY SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY OR DISPOSAL

Section 722.180 Applicability

a) The requirements of this Subpart H apply to transboundary movements of hazardous waste.

b) Any person (including importer, exporter, disposal facility operator, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or which otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this Subchapter c and any exporter duties under this Subpart H, as applicable.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.181 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to Subpart H and to other provisions within Part 722 as specifically indicated:

"Amber control procedures" means the controls listed in Section D of Annex A ("Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Amber waste" means a waste listed in Appendix 4 ("List of Wastes Subject to the Amber Control Procedure") to Annex A and in Annex C ("OECD Consolidated List of Wastes Subject to the Amber Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Competent authority" means the regulatory authority or authorities of countries concerned having jurisdiction over transboundary movements of wastes.
BOARD NOTE: Under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), party countries are required to establish or designate competent authorities to facilitate implementation of the Convention. Basel Convention, art. 5 (as amended through May 27, 2014). The Basel Convention, United Nations Environment Programme maintains an on-line list of competent authorities by country: http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx.

"Countries concerned" means the countries of export or import and any countries of transit. Use of singular "concerned country" is contemplated within this definition if the text refers only to a single country.

"Country of export" means any country from which a transboundary movement of hazardous waste is planned to be initiated or is initiated.

"Country of import" means any country to which a transboundary movement of hazardous waste is planned or takes place for the purpose of submitting the waste to recovery or disposal operations in that country.

"Country of transit" means any country other than the country of export or country of import across which a transboundary movement of waste is planned to be initiated or takes place.

"Disposal operations" means activities that do not lead to the possibility of resource recovery, recycling, reclamation, direct re-use, or alternate uses, which include the following:

D1 Release or Deposit into or onto land, other than by any of operations D2 through D5 or D12.

D2 Land treatment, such as biodegradation of liquids or sludges in soils.

D3 Deep injection, such as injection into wells, salt domes, or naturally occurring repositories.

D4 Surface impoundment, such as placing of liquids or sludges into pits, ponds, or lagoons.

D5 Specially engineered landfill, such as placement into lined discrete cells that are capped and isolated from one another and the environment.

D6 Release into a water body other than a sea or ocean, and other than by operation D4.

D7 Release into a sea or ocean, including sea-bed insertion, other than by operation D4.

D8 Biological treatment not specified elsewhere in operations D1 through D12 that results in final compounds or mixtures that are discarded by means of any of operations D1 through D12.

D9 Physical or chemical treatment not specified elsewhere in operations D1 through D12, such as evaporation, drying, calcination, neutralization, or precipitation, that results in final compounds or mixtures that are discarded by means of any of operations D1 through D12.

D10 Incineration on land.

D11 Incineration at sea.

D12 Permanent storage.

D13 Interim blending or mixing, prior to any of operations D1 through D12.

D14 Interim repackaging, prior to any of operations D1 through D12.

D15 Interim storage, prior to any of operations D1 through D12.

DC1 Release, including the venting of compressed or liquified gases, or treatment, other than by any of operations D1 to D12 (for transboundary movements with Canada only).

DC2 Testing of a new technology to dispose of a hazardous waste (for transboundary movements with Canada only).

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to a location under the jurisdiction of another country, or a location not under the jurisdiction of any country, for the recovery or disposal operations at the destination.

"Exporter" (designated as "primary exporter" in the certification statement on the RCRA hazardous waste manifest (USEPA Form 8700-22)) means either the person domiciled in the United States that originates the movement document in compliance with Section 722.183(d) or the manifest in compliance with Subpart B specifying a foreign receiving facility as the destination of the hazardous waste or any recognized trader that proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

"Foreign exporter" means the person under the jurisdiction of the country of export that has, or will have at the time the planned transboundary movement starts, possession or other forms of legal control of the hazardous waste and that proposes shipment of hazardous waste to the United States for recovery or disposal operations.

"Foreign importer" means the person assigned possession or other form of legal control of the hazardous waste once the exported hazardous waste is received in the country of import.

"Foreign receiving facility" means a facility that operates or is authorized to operate under the importing country’s domestic law to receive the hazardous wastes and to perform recovery or disposal operations on them.

"Green control procedures" means the controls listed in Section C of Annex A ("Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Green waste" means a waste listed in Appendix 3 ("List of Wastes Subject to the Green Control Procedures") to Annex A and in Annex B ("OECD Consolidated List of Wastes Subject to the Green Control Procedure") to OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111(a).
BOARD NOTE: The Board added this definition.

"Import" means the transportation of hazardous waste from a location under the jurisdiction of another country to a location under the jurisdiction of the United States for the recovery or disposal operations at the destination.

"Importer" means the person that is assigned possession or other form of legal control of the hazardous waste at the time the imported hazardous waste is received in the United States.

"OECD" means the Organisation for Economic Co-operation and Development.

"OECD area" means all land or marine areas under the national jurisdiction of any OECD member country. When the regulations refer to shipments to or from an OECD member country, this means OECD area.

"OECD Guidance Manual" means "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, As Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the segments incorporated by reference in 35 Ill. Adm. Code 722.111(a), which state the substantive requirements of OECD decision C(2001)107/FINAL, as amended by C(2004)20; C(2005)141 and C(2008)156.
BOARD NOTE: The Board added this definition. Although USEPA conventionally refers to the OECD requirements by the designation "C(2001)107/FINAL", USEPA incorporated the OECD Guidance Manual by reference for the substance of the OECD requirements. The substance of the OECD requirements requires reference to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) for full meaning, and the OECD Guidance Manual includes Annexes A through C, which present the full text of OECD decision C(2001)107/FINAL and the Basel Convention. For these reasons, the Board refers directly to the OECD Guidance Manual and incorporates Annexes A through C of the Guidance Manual by reference.

"OECD member country" means any of the countries that are members of the OECD and participate in the OECD Guidance Manual.
BOARD NOTE: Corresponding 40 CFR 262.81 states that USEPA provides a list of OECD member countries on the Internet. (https://www.epa.gov/hwgenerators/international-agreements-transboundary-shipments-hazardous-waste#oecd).

"Receiving facility" means a facility within the jurisdiction of the United States that operates or is authorized to operate to receive hazardous wastes and to perform recovery or disposal operations on them under RCRA and other domestic laws.

"Recognized trader" means a person that, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of the wastes from time of purchase to time of sale; the person may act to arrange and facilitate transboundary movements of wastes destined for recovery operations.

"Recovery facility" means a facility that, under domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

"Recovery operations" means activities leading to resource recovery, recycling, reclamation, direct re-use, or alternative uses, which include the following types of operations:

R1 Use as a fuel (other than in direct incineration) or other means to generate energy,

R2 Solvent reclamation or regeneration,

R3 Recycling or reclamation of organic substances that are not used as solvents,

R4 Recycling or reclamation of metals and metal compounds,

R5 Recycling or reclamation of other inorganic materials,

R6 Regeneration of acids or bases,

R7 Recovery of components used for pollution abatement,

R8 Recovery of components from used catalysts,

R9 Used oil re-refining or other reuses of previously used oil,

R10 Land treatment resulting in benefit to agriculture or ecological improvement,

R11 Use of residual materials obtained from any of the operations numbered R1 through R10 or RC 1,

R12 Interim exchange of wastes before recycling using any of the operations numbered R1 through R11 or RC 1, and

R13 Interim accumulation of material intended for any operation numbered R1 through R11 or RC1.

RC14 Recovery or regeneration of a substance or use or re-use of a recyclable material, other than by any of operations R1 through R10 (for transboundary shipments with Canada only).

RC2 Testing of a new technology to recycle a hazardous recyclable material (for transboundary shipments with Canada only).

RC3 Interim storage prior to any of operations R1 through R11 or RC14 (for transboundary shipments with Canada only).

"Transboundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of one country to an area under the national jurisdiction of another country.

"USEPA Acknowledgment of Consent" or "AOC" means the letter USEPA sends to the exporter documenting the specific terms of the country of import's consent and any countries of transit's consents.
BOARD NOTE: Corresponding 40 CFR 262.81 provides that the AOC meets the definition of "export license" in 15 CFR 30.1.

(Source: Amended at 48 Ill. Reg. 9846, effective June 20, 2024)

Section 722.182 General Conditions

a) Scope. The level of control for exports and imports of waste is indicated by designation of the waste as either Green waste or Amber waste, as defined in Section 722.181, and whether the waste is or is not hazardous waste.

1) Green Wastes

A) Green waste that is not hazardous waste is subject to existing controls normally applied to commercial transactions and is not subject to the requirements of Subpart H.

B) Green waste that is hazardous waste is subject to the requirements of Subpart H.

2) Amber Wastes

A) Amber waste that is hazardous waste is subject to the Amber control procedures in Subpart H, even if it is imported to or exported from a country that does not consider the waste to be hazardous or control the transboundary shipment as a hazardous waste import or export.

i) For exports, exporter must comply with Section 722.183.

ii) For imports, the recovery or disposal facility and the importer must comply with Section 722.184.

B) Amber waste that is not hazardous waste, but which is considered hazardous by the other country, is subject to the Amber control procedures in the country that considers the waste hazardous, and are not subject to the requirements of Subpart H. All responsibilities of the U.S. importer or exporter shift to the foreign importer or foreign exporter in the other country that considers the waste hazardous unless the parties make other arrangements through contracts.

BOARD NOTE: Some Amber wastes are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the requirements of Subpart H. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act (42 USC 2601 et seq.)) restrict certain waste imports or exports. These other federal restrictions continue to apply without regard to the applicability or inapplicability of Subpart H.

3) Mixtures

A) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not hazardous waste is not subject to the requirements of Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that mixtures of different Green wastes be subject to the Amber control procedures.

B) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes that is hazardous waste is subject to the requirements of Subpart H.

BOARD NOTE: USEPA has noted that the law of some countries may require that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.

4) Waste that is not yet OECD-listed waste is eligible for transboundary movements, as follows:

A) If the waste is hazardous waste, the waste is subject to the requirements of Subpart H.

B) If the waste is not hazardous waste, the waste is not subject to the requirements of Subpart H.

b) General Conditions Applicable to Transboundary Movements of Hazardous Waste

1) The hazardous waste must be destined for recovery or disposal operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the country of import;

2) The transboundary movement must comply with applicable international transport agreements; and

BOARD NOTE: These international agreements include, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

3) Any transit of hazardous waste through one or more countries must comply with all applicable international and national laws and regulations.

c) Duty to return wastes subject to the Amber control procedures during transit through the United States. When a transboundary movement of hazardous waste subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover or dispose of these wastes in an environmentally sound manner, the waste must be returned to the country of export. The U.S. transporter must inform EPA at the specified mailing address in subsection (e) of the need to return the shipment. USEPA will then inform the competent authority of the country of export, citing the reasons for returning the waste. The U.S. transporter must complete the return within 90 days from the time USEPA informs the country of export of the need to return the waste, unless informed in writing by USEPA of another timeframe agreed to by the concerned countries.

d) Laboratory Analysis Exemption. Export or import of a hazardous waste sample is exempt from the requirements of Subpart H if the sample is destined for laboratory analysis to assess its physical or chemical characteristics or to determine its suitability for recovery or disposal operations, the sample does not exceed 25 kg (55 pounds) in quantity, the sample is appropriately packaged and labeled, and the sample complies with the conditions of 35 Ill. Adm. Code 721.104(d) or (e).

e) USEPA Address for Submittals by Postal Mail or Hand Delivery. Submittals required in Subpart H to be made by postal mail or hand delivery should be sent to the following addresses:

1) For Postal Mail Delivery:

Office of Enforcement and Compliance Assurance
Office of Federal Activities
International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW.
Washington, DC 20460.

2) For Hand-Delivery:

Office of Land and Emergency Management
Office of Resource Conservation and Recovery
Materials Recovery and Waste Management Division
International Branch (Mail Code 2255T)
Environmental Protection Agency
William Jefferson Clinton South Bldg., Room 6144
12th St. and Pennsylvania Ave NW.
Washington, DC 20004.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.183 Exports of Hazardous Waste

a) General Export Requirements. Except as provided in subsections (a)(5) and (a)(6), an exporter that receives an AOC from USEPA before December 31, 2016 is subject to that approval and the requirements listed in the AOC as they existed at the time of that approval until the approval period expires. All other exports of hazardous waste are prohibited unless the following conditions are fulfilled:

1) The exporter complies with the contract requirements in subsection (f);

2) The exporter complies with the notification requirements in subsection (b);

3) The exporter receives an AOC from USEPA documenting consent from the countries of import and transit (and original country of export if exporting previously imported hazardous waste);

4) The exporter ensures compliance with the movement documents requirements in subsection (d);

5) The exporter ensures compliance with the manifest instructions for export shipments in subsection (c); and

6) The exporter or a U.S. authorized agent must submit electronic export information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in compliance with 15 CFR 30.4(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and includes the following items in the EEI, along with the other information required under 15 CFR 30.6, incorporated by reference in 35 Ill. Adm. Code 720.111:

A) The USEPA license code;

B) The commodity classification code for each hazardous waste per 15 CFR 30.6(a)(12), incorporated by reference in 35 Ill. Adm. Code 720.111;

C) The USEPA consent number for each hazardous waste;

D) The country of ultimate destination code per 15 CFR 30.6(a)(5), incorporated by reference in 35 Ill. Adm. Code 720.111;

E) The date of export per 15 CFR 30.6(a)(2), incorporated by reference in 35 Ill. Adm. Code 720.111;

F) The RCRA hazardous waste manifest tracking number, if required;

G) The quantity of each hazardous waste in shipment and units for reported quantity, if required reporting units established by value for the reported commodity classification number are in units of weight or volume per 15 CFR 30.6(a)(15), incorporated by reference in 35 Ill. Adm. Code 720.111; or

H) The USEPA net quantity for each hazardous waste reported in units of kilograms if solid or in units of liters if liquid, if required reporting units established by value for the reported commodity classification number are not in units of weight or volume.

b) Notifications

1) General Notifications. At least 60 days before the first shipment of hazardous waste is expected to leave the United States, the exporter must provide notification in English to USEPA of the proposed transboundary movement. Notifications must be submitted electronically using USEPA's Waste Import Export Tracking System (WIETS), or its successor system. The notification may cover up to one year of shipments of one or more hazardous wastes being sent to the same recovery or disposal facility, and the notification must include all of the following information:

A) The exporter name and USEPA identification number, site address, telephone, fax numbers, and email address;

B) The foreign receiving facility name, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

C) The foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone, fax numbers, and email address;

D) The intended transporters or their agents; site address, telephone, fax, and email address;

E) "U.S." as the country of export name, "USA01" as the relevant competent authority code, and the intended U.S. ports of exit;

F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of entry for the country of import;

H) A statement of whether the notification covers a single shipment or multiple shipments;

I) The start and end dates requested for transboundary movements;

J) The planned means of transport;

K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each waste in either metric tons or cubic meters; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous

Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each waste;

L) Specification of the recovery or disposal operations, as defined in Section 722.181.

M) A declaration and certification signed by the exporter that states as follows:

> I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement.
>
> Name:
> Signature:
> Date:

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

2) Exports to Pre-Consented Recovery Facilities in OECD Member Countries. If the recovery facility is located in an OECD member country and has been pre-consented by the competent authority of the OECD member country to recover the waste sent by exporters located in other OECD member countries, the notification may cover up to three years of shipments. A notification proposing export to a preconsented facility in an OECD member country must include all information listed in subsections (b)(1)(A) through (b)(1)(M) and additionally state that the facility is preconsented. The exporter must submit the notification to USEPA using the methods listed in subsection (b)(1) at least ten days before the first shipment is expected to leave the United States.

3) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the foreign receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 to D14,

or D15, the notification submitted in compliance with ~~according to~~ subsection (b)(1) must also include the final foreign recovery or disposal facility name, site address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery disposal operations R1through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 will be employed at the final foreign recovery or disposal facility~~ will employ. For transboundary movements to Canada, in addition to the foreign receiving facilities listed in subsection (b)(1)(B), if the foreign receiving facility will engage in interim recovery operations or interim disposal operations, the notification submitted according to subsection (b)(1) must also include the final foreign recovery or disposal facility name, address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 the final foreign recovery or disposal facility will employ.~~ The recovery and disposal operations in this subsection (b)(3) are defined in Section 722.181.

4) Renotifications. When the exporter wishes to change any of the information specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the exporter must submit a renotification of the changes to USEPA using the methods in subsection (b)(1). Any shipment using the requested changes cannot take place until the countries of import and transit consent to the changes and the exporter receives an USEPA AOC letter documenting the countries' consents to the changes.

5) If the proposed country of import and recovery or disposal operations are not covered under an international agreement to which both the United States and the country of import are parties, USEPA will coordinate with the Department of State to provide the complete notification to the country of import and any countries of transit. In all other cases, USEPA will provide the notification directly to the country of import and any countries of transit. A notification is complete when USEPA receives a notification that USEPA determines satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).

6) If the countries of import and transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the exporter documenting the countries' consents. Where any of the countries of import and transit objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA stated that it will notify the exporter.

7) Export of hazardous wastes for recycling or disposal operations that were originally imported into the United States for recycling or disposal operations in a third country is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183, including providing notification to USEPA in compliance with subsection (b)(1). In addition to listing all required information in subsections (b)(1)(A) through (b)(1)(M), the exporter must provide the original consent number issued for the initial import of the wastes in the notification, and receive an AOC from USEPA documenting the consent of the competent authorities in new country of import, the original country of export, and any transit countries prior to reexport.

8) Upon request by USEPA, the exporter must furnish to USEPA any additional information which the country of import requests to respond to a notification.

c) RCRA Manifest Instructions for Export Shipments. The exporter must comply with the manifest requirements of Sections 722.120 through 722.125~~722.123~~, except that~~with the following exceptions~~:

1) (Block 8): Instead of the name, site address and USEPA ID number of the designated facility, the exporter must enter the name and site address of the foreign receiving facility;

2) (Block 16): In the International Shipments block on the continuation sheet (USEPA Form 8700-22A), the exporter must: ~~check the export box and enter the port of exit (city and state) from the United States.~~

A) Check the export box and enter the U.S. port of exit (city and State) from the United States

B) Enter the exporter's USEPA ID number, if the exporter is not identified in Item 5 of the manifest (USEPA Form 8700-22) for the export shipment; and

C) List the waste stream consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use an additional Continuation Sheet(s) (USEPA Form 8700-22A).

3) The exporter may obtain the manifest from any source so long as the source of the printed form has received approval from the USEPA to print the manifest in compliance with 40 CFR 262.21(g)(1). ~~The exporter must list the consent number from the AOC for each hazardous waste listed on~~

~~the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use Continuation Sheets (USEPA Form 8700-22A).~~

4) Beginning on December 1, 2025, within 30 days of receiving an export manifest from the final domestic transporter to carry the export shipment to or across the U.S. port of exit, the exporter must submit the top copy (Page 1) of the signed and dated manifest (whether electronic or paper) and all continuation sheets (whether electronic or paper) to the USEPA e-Manifest system. The exporter must submit the paper manifest and all paper continuation sheets to the USEPA e-Manifest system for purposes of data entry and processing by transmitting to the USEPA e-Manifest system an image file of Page 1 of the manifest and all continuation sheets, or by transmitting to the USEPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and all continuation sheets.

~~The exporter may obtain the manifest from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).~~

~~BOARD NOTE: USEPA maintains a listing of registered sources at https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry~~

A) As prescribed in 40 CFR 265.1311, and determined in 40 CFR 265.1312, an exporter who is a user of the electronic manifest system shall be assessed a user fee by the USEPA for the submission and processing of each electronic and paper manifest. The USEPA shall update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313.

B) An exporter subject to user fees under 40 CFR 262.83 must make user fee payments in compliance with the requirements of 40 CFR 265.1314, subject to the informal fee dispute resolution process of 40 CFR 265.1316, and subject to the sanctions for delinquent payments under 40 CFR 265.1315.

C) Electronic manifest signatures shall meet the criteria described in 40 CFR 262.25.

D) Within 30 days of receiving a paper replacement manifest from the last transporter carrying the shipment to or across the U.S. border for a manifest that was originated electronically, the exporter must send a signed and dated copy of the paper replacement manifest to the USEPA e-Manifest system.

E After foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter per subsection (d)(2)(Q), any post-receipt data corrections may be submitted at any time by any interested person (*e.g.*, domestic waste handler) shown on the manifest. If requested by the USEPA, an exporter must address manifest data corrections within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in 40 CFR 265.71(l), which applies to corrections made to either paper or electronic manifests.

d) Movement Document Requirements for Export Shipments

1) An exporter must ensure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment until the wastes reach the foreign receiving facility, including cases where the hazardous waste is stored or sorted by the foreign importer before shipment to the foreign receiving facility, except as follows:

A) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the exporter must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if exported by water.

B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the exporter must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if exported by rail.

2) The movement document must include the following:

A) The corresponding consent numbers and USEPA hazardous waste numbers for the listed hazardous waste from the relevant USEPA AOCs and if required to be accompanied by a RCRA Uniform Hazardous Waste Manifest within the United States, the manifest tracking number from block 4;

B) The shipment number and the total number of shipments from the USEPA AOC or the movement tracking number;

C) The exporter name and USEPA identification number, site address, telephone, fax numbers, and email address;

D) The foreign receiving facility name, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone, fax numbers, and email address;

F) A description of each hazardous waste; the quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable OECD waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

G) The date movement started;

H) The name (if not exporter), site address, telephone, fax numbers, and email of company originating the shipment;

I) The company name, USEPA identification number, site address, telephone, fax numbers, and email address of each transporter;

J) Identification (license, registered name, or registration number) of means of transport, including types of packaging;

K) Any special precautions to be taken by transporters;

L) A declaration and certification signed and dated by the exporter that the information in the movement document is complete and correct;

M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the foreign receiving facility);

N) Each U.S. person that has physical custody of the hazardous waste from the time the movement starts until it arrives at the foreign receiving facility must sign the movement document (e.g., transporter, foreign importer, and owner or operator of the foreign receiving facility); and

O) As part of the contract requirements in subsection (f), the exporter must require that the foreign receiving facility send a copy of the signed movement document to the competent authorities of the countries of import and transit to confirm receipt within three working days of shipment delivery to the exporter, and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments occurring on or after the electronic import-export reporting compliance date, the The exporter must: ~~additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).~~

i) Initiate the movement document using the allowable methods listed in subsection (b)(1); and

ii) Close out the movement document within three working days of receiving a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed in subsection (b)(1).

P) As part of the contract requirements per subsection (f), the exporter must require that the foreign receiving facility send a copy of the confirmation of recover or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste to the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter must additionally require that the interim receiving facility promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 as defined in Section 722.181 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter must submit each confirmation of recovery or disposal to the USEPA within three working days of receiving the confirmation of recovery or disposal from the foreign receiving facility using the allowable methods listed in subsection (b)(1); and

Q) For shipments sent to a country with which the USEPA has established an electronic exchange of movement document tracking state, foreign receiving facility transmittal to the exporter

of the confirmation receipt and the confirmation of recovery or disposal may be sent via the electronic exchange.

e) Duty to Return or Re-Export Hazardous Wastes. When a transboundary movement of hazardous wastes cannot be completed in compliance with the terms of the contract or the consents and alternative arrangements cannot be made to recover or dispose of the waste in an environmentally sound manner in the country of import, the exporter must ensure that the hazardous waste is returned to the United States or reexported to a third country. If the waste must be returned, the exporter must provide for the return of the hazardous waste shipment within ninety days from the time the country of import informs USEPA of the need to return the waste or other period of time as the concerned countries agree. In all cases, the exporter must submit an exception report to USEPA in compliance with subsection (h).

f) Export Contract Requirements

1) Exports of hazardous waste are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements for export of hazardous waste must be executed by the exporter, foreign importer (if different from the foreign receiving facility), and the owner or operator of the foreign receiving facility. The contract or equivalent arrangements must specify responsibilities for each of the exporter, the foreign importer, and the owner or operator of the foreign receiving facility. A contract or equivalent arrangements is valid for the purposes only if each person assuming obligations under the contracts or equivalent arrangements has appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

2) A contract or equivalent arrangements must specify the name and USEPA identification number of the following:

A) The company from where each export shipment of hazardous waste is initiated;

B) Each person who will have physical custody of the hazardous wastes;

C) Each person who will have legal control of the hazardous wastes; and

D) The foreign receiving facility.

3) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if its disposition cannot be carried out as described in the notification of intent to export. For this contingency, contracts must specify the following:

A) That the transporter or foreign receiving facility in possession of or physical control over the hazardous wastes will immediately inform the exporter, USEPA, and either the competent authority of the country of transit or the competent authority of the country of import of the need to make alternate management arrangements; ~~and~~

B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of hazardous wastes, providing the notification for re-export to the competent authority in the country of import, including the equivalent of the information required in subsection (b)(1) and the original consent number issued for the initial export of the hazardous wastes in the notification, and obtaining consent from USEPA and the competent authorities in the new country of import and any transit countries, as necessary, prior to re-export;~~,~~ and

C) Transmittals made by the transporter or foreign receiving facility under subsection (A) being sent to the exporter or USEPA from a country with which the USEPA has established an electronic exchange of movement document tracking data may be sent vial the electronic exchange.

4) A contract must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments sent to a country with which the USEPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange.~~ The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).~~

5) A contract must require that the foreign receiving facility send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal

on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import that controls the shipment as an import of hazardous waste. For shipments sent to a country with which the USEPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange. ~~to the exporter and to the competent authority of the country of import, as soon as possible, within thirty days after completing recovery or disposal on the waste in the shipment and within one calendar year after receiving the waste. The contract must additionally require that the foreign receiving facility send a copy to USEPA at the same time using the WIETS described in subsection (b)(1).~~

6) A contract must require that the foreign importer or the foreign receiving facility that performed interim recycling operations R12, R13, or RC3, or interim disposal operations D13 through D15, (recovery and disposal operations defined in 35 Ill. Adm. Code 722.181) do the appropriate of the following:

A) Provide the notification required in subsection (f)(3)(B) before any re-export of the hazardous wastes to a final foreign recovery or disposal facility in a third country; and

B) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility to the competent authority of the country of import within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 or one of disposal operations D1 through D12, DC1, or DC2 to the competent authority of the country of import that controls the shipment as an import of hazardous waste and to the exporter.. ~~The contracts must additionally require that the foreign facility send copies to USEPA at the same time using the WIETS described in subsection (b)(1).~~ For shipments sent to a country with which the USEPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

7) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of the country of import and any countries of transit, in compliance with national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out. The United States does not require financial guarantees at this time; however, some OECD member countries and other foreign countries do. It is the responsibility of the exporter to ascertain and comply with any foreign requirements; in some cases, persons or facilities located in those OECD member countries or other foreign countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

8) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of Subpart H.

9) Upon request by USEPA or the Agency, U.S. exporters, importers, or recovery facilities must submit to the requestor copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Annual Reports. The exporter must file an annual report with USEPA by March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. The exporter must submit annual reports to the USEPA using the allowable methods specified in subsection (b)(1).~~Before December 31, 2018, the exporter must mail or hand-deliver annual reports to USEPA for all shipments made the previous calendar year using one of the appropriate of the addresses specified in Section 722.182(e), or submit to USEPA using the WIETS described in subsection (b)(1) if the exporter has electronically filed USEPA information in AES under subsection (a)(6)(A)(i). Subsequently, the exporter must submit annual reports to USEPA using the WIETS described in subsection (b)(1).~~ The annual report must include all the following subsections (g)(1) through (6) specified as follows~~information~~:

1) The USEPA identification number, name, and mailing and site address of the exporter filing the report;

2) The calendar year covered by the report;

3) The name and site address of each foreign receiving facility;

4) By foreign receiving facility, for each hazardous waste exported:

A) A description of the hazardous waste;

B) The applicable USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721) for each waste;

C) The applicable waste code from the appropriate OECD waste list in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111;

D) The applicable USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111;

E) The name and USEPA identification number (where applicable) for each transporter used over the calendar year covered by the report; and

F) The consent numbers under which the hazardous waste was shipped, and for each consent number, the total amount of the hazardous waste and the number of shipments exported during the calendar year covered by the report;

5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month, and except for hazardous waste for which information was already provided under Section 722.141:

A) A description of the efforts taken during the year to reduce the volume and toxicity of the waste generated; and

B) A description of the changes in volume and toxicity of the waste achieved during the year in comparison to previous years to the extent the information is available for years before 1984; and

6) A certification signed by the exporter that states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

h) Exception Reports

1) The exporter must file an exception report instead of the requirements of Section 722.142 (if applicable) with USEPA if any of the following occurs:

A) The exporter has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the hazardous waste from the United States within 45 days from the date hazardous waste was accepted by the initial transporter, in which case the exporter must file the exception report within the next 30 days;

B) The exporter has not received a written confirmation of receipt from the foreign receiving facility in compliance with subsection (d) within 90 days from the date the waste was accepted by the initial transporter in which case the exporter must file the exception report within the next 30 days; or

C) The foreign receiving facility notifies the exporter, or the country of import notifies USEPA, of the need to return the shipment to the U.S. or arrange alternate management, in which case the exporter must file the exception report within 30 days of notification, or one day before the date the return shipment starts , whichever is sooner.

2) Before December 31, 2018, exception reports must be mailed or hand delivered to USEPA using the addresses listed in Section 722.182(e). Subsequently, exception reports must be submitted to USEPA using the WIETS described in subsection (b)(1).

i) Recordkeeping

1) The exporter must keep the following records in subsections (i)(1)(A) through (i)(1)(F)~~(i)(1)(E)~~ and provide them to the USEPA or authorized Agency personnel upon request:

A) A copy of each notification of intent to export and each USEPA AOC at least three years from the date the hazardous waste was accepted by the initial transporter;

B) A copy of each annual report at least three years from the due date of the report;

C) A copy of any exception reports and a copy of each confirmation of receipt (i.e., movement document) sent by the foreign receiving facility to the exporter for at least three years from the date the hazardous waste was accepted by the initial transporter;

D) A copy of each confirmation of recovery or disposal sent by the foreign receiving facility to the exporter for at least three years from the date that the foreign receiving facility completed interim or final processing of the hazardous waste shipment; and

E) A copy of each contract or equivalent arrangement established per subsection (f) ~~under Section 722.185~~ for at least three years after the date the contract expired or equivalent arrangement.

F) A copy of each manifest sent by the last transporter in the United States per Section 723.120(g).

2) The exporters may satisfy these recordkeeping requirements by keeping electronically submitted documents in the exporter's account on USEPA's WIETS, if the copies are readily available for viewing and production if requested by any USEPA or Agency inspector. An exporter may not be held liable for the inability to produce the documents for inspection under this section if the exporter can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the exporter has no responsibility.

3) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under subsection (i)(3) is subject to Board review under Section 40 of the Act.

(Source: Amended at 48 Ill. Reg. 9846, effective June 20, 2024)

Section 722.184 Imports of Hazardous Waste

a) General Import Requirements

1) Except for subsection (a)(5), the importer of a shipment covered under a consent from USEPA to the country of export issued before December 31, 2016 is subject to that approval and the requirements that existed at the time of that approval until the approval period expires. Otherwise, any person that imports hazardous waste from a foreign country into the United States must comply with the requirements of this Part and the special requirements of this Subpart H.

2) Where the country of export does not require the foreign exporter to submit a notification and obtain consent to the export prior to shipment, the importer must submit a notification to USEPA in compliance with subsection (b).

3) The importer must comply with the contract requirements in subsection (f).

4) The importer must ensure compliance with the movement documents requirements in subsection (d); and

5) The importer must ensure compliance with the manifest instructions for import shipments in subsection (c).

b) Notifications. Where the competent authority of the country of export does not regulate the waste as hazardous waste and does not require the foreign exporter to submit a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, but USEPA does regulate the waste as hazardous waste, the following requirements apply:

1) The importer is required to provide notification in English to USEPA of the proposed transboundary movement of hazardous waste at least sixty days before the first shipment is expected to depart the country of export. A notification submitted prior to the electronic import-export reporting compliance date must be mailed or hand delivered to USEPA at the addresses specified in Section 722.182(e). Notifications submitted on or after the electronic import-export reporting compliance date must be submitted electronically using USEPA's WIETS. The notification may cover up to one year of shipments of one or more hazardous wastes being sent from the same foreign exporter, and must include all the following information:

A) The foreign exporter name, site address, telephone, fax numbers, and email address;

B) The receiving facility name, USEPA identification number, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

C) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, site address, telephone, fax numbers, and email address;

D) The intended transporters or their agents; site address, telephone, fax numbers, and email address;

E) "U.S. " as the country of import, "USA01" as the relevant competent authority code, and the intended U.S. ports of entry;

F) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and the ports of entry and exit for each country of transit;

G) The International Standard ISO 3166-1:2013, incorporated by reference in 35 Ill. Adm. Code 720.111, country name alpha-2 code, any code for the OECD/Basel competent authority, and port of exit for the country of export;

H) A statement of whether the notification covers a single shipment or multiple shipments;

I) The start and end dates requested for transboundary movements;

J) The planned means of transport;

K) A description of each hazardous waste, including whether each hazardous waste is regulated universal waste under 35 Ill. Adm. Code 733, spent lead-acid batteries being exported for recovery of lead under Subpart G of 35 Ill. Adm. Code 726, or industrial ethyl alcohol being exported for reclamation under 35 Ill. Adm. Code 721.106(a)(3)(A); the estimated total quantity of each hazardous waste; the applicable USEPA hazardous waste numbers for each hazardous waste; the applicable waste code from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

L) Specification of the recovery or disposal operations, as defined in Section 722.181; and

M) A declaration and certification signed by the exporter that states the following:

> I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other

financial guarantee is or shall be in force covering the transboundary movement.

Name:
Signature:
Date:

BOARD NOTE: The United States does not currently require financial assurance for these waste shipments.

BOARD NOTE: The United Nations Environment Programme, Basel Convention maintains an on-line list of competent authorities by country (www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx). The European Commission maintains a list of competent authorities for European Union members (ec.europa.eu/environment/waste/shipments/pdf/list_competent_authorities.pdf).

2) Notifications Listing Interim Recycling Operations or Interim Disposal Operations. If the receiving facility listed in subsection (b)(1)(B) will engage in any of the interim recovery operations R12, R13, or RC3 or interim disposal operations D13 through D15, the notification submitted according to subsection (b)(1) must also include the final recovery or disposal facility name, site address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1, and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this subsection are defined in Section 722.181.

3) Renotifications. If the foreign exporter wishes to change any of the conditions specified on the original notification (including increasing the estimate of the total quantity of hazardous waste specified in the original notification or adding transporters), the importer must submit a renotification of the changes to USEPA using the methods in subsection (b)(1). Any shipment using the requested changes cannot take place until USEPA and the countries of transit consent to the changes and the importer receives an USEPA AOC letter documenting the consents to the changes.

4) A notification is complete when USEPA determines the notification satisfies the requirements of subsections (b)(1)(A) through (b)(1)(M).

5) If USEPA and the countries of transit consent to the proposed transboundary movements of the hazardous wastes, USEPA will forward an USEPA AOC letter to the importer documenting the countries' consents and USEPA's consent. If any of the countries of transit or

USEPA objects to the proposed transboundary movements of the hazardous waste or withdraws a prior consent, USEPA will notify the importer.

6) Export of Hazardous Wastes Originally Imported into the United States. Export of hazardous wastes that were originally imported into the United States for recycling or disposal operations is prohibited unless an exporter in the United States complies with the export requirements in Section 722.183(b)(7).

c) RCRA Manifest Instructions for Import Shipments

1) When importing hazardous waste, the importer must meet all the requirements of Section 722.120 for the manifest, with the following exceptions:

A) (Block 5): In place of the generator's name, mailing and site addresses and USEPA identification number, the name and site address of the foreign generator and the importer's name, mailing address and USEPA identification number must be used.

B) (Block 15): In place of the generator's signature on the certification statement, the importer or its agent must sign and date the certification and obtain the signature of the initial transporter.

2) The importer may obtain the manifest form from any source that is registered with the USEPA as a supplier of manifests (e.g., a state, a waste handler, or a commercial forms printer).
BOARD NOTE: USEPA maintains a listing of registered sources at https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry

3) In the International Shipments block (block 16) on the Continuation Sheet (USEPA Form 8700-22A), the importer must check the import box and enter the port~~point~~ of entry (city and state) into the United States.

4) Instead of the requirements of Section 722.120(d), if a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to the following:

A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and

B) Revise the manifest in accordance with the importer's instructions.

~~The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to USEPA in compliance with 35 Ill. Adm. Code 724.171(a)(3) and 725.171(a)(3).~~

~~5) Instead of the requirements of Section 722.120(d), if a shipment cannot be delivered for any reason to the receiving facility, the importer must instruct the transporter in writing via fax, email, or mail to do the following:~~

~~A) Return the hazardous waste to the foreign exporter or designate another facility within the United States; and~~

~~B) Revise the manifest in accordance with the importer's instructions.~~

d) Movement Document Requirements for Import Shipments

1) The importer must make sure that a movement document meeting the conditions of subsection (d)(2) accompanies each transboundary movement of hazardous wastes from the initiation of the shipment in the country of export until it reaches the receiving facility, including cases in which the hazardous waste is stored or sorted by the importer before shipment to the receiving facility, except as provided in subsections (d)(1)(A) and (d)(1)(B).

A) For shipments of hazardous waste within the United States by water (bulk shipments only), the importer must forward the movement document to the last water (bulk shipment) transporter to handle the hazardous waste in the United States if imported by water.

B) For rail shipments of hazardous waste within the United States which start from the company originating the export shipment, the importer must forward the movement document to the next non-rail transporter, if any, or the last rail transporter to handle the hazardous waste in the United States if imported by rail.

2) The movement document must include the following:

A) The corresponding USEPA AOC numbers and USEPA hazardous waste numbers for the listed waste and if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4;

B) The shipment number and the total number of shipments under the USEPA AOC number or the movement tracking number;

C) The foreign exporter name, site address, telephone, fax numbers, and email address;

D) The receiving facility name, USEPA identification number, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations, as defined in Section 722.181;

E) The importer name (if not the owner or operator of the receiving facility), USEPA identification number, site address, telephone, fax numbers, and email address;

F) A description of each hazardous waste, quantity of each hazardous waste in the shipment; the applicable hazardous waste numbers for each hazardous waste; the applicable waste code for each hazardous waste from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and the United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111, for each hazardous waste;

G) The date movement started;

H) The name (if not the foreign exporter), site address, telephone, fax numbers, and email of the foreign company originating the shipment;

I) The company name, USEPA identification number (for transporters carrying RCRA manifested hazardous waste within the U.S. only), address, telephone, fax numbers, and email address of all transporters;

J) Identification (license, registered name or registration number) of the means of transport, including types of packaging;

K) Any special precautions to be taken by transporters;

L) A declaration and certification signed and dated by the foreign exporter that the information in the movement document is complete and correct;

M) The appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the receiving facility);

N) Each person that has physical custody of the waste from the time the movement starts until it arrives at the receiving facility must sign the movement document (e.g., transporter, importer, and owner or operator of the receiving facility); and

O) The receiving facility must send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the USEPA's WIETS, or its successor system. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.~~The receiving facility must send a copy of the signed movement document to the competent authorities of the countries of export and transit to confirm receipt within three working days after shipment delivery to the foreign exporter. For shipments received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.~~

e) Duty to Return or Export Hazardous Wastes. If a transboundary movement of hazardous wastes cannot be completed in compliance with the terms of the contract or the consents, the provisions of subsection (f)(4) apply. If alternative arrangements cannot be made to recover the hazardous waste in an environmentally sound manner in the United States, the hazardous waste must be returned to the country of export or exported to a third country. The provisions of subsection (b)(6) apply to any hazardous waste shipments to be exported to a third country. If the return shipment will cross any transit country, the return shipment may only occur after USEPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the importer.

f) Import Contract Requirements

1) Imports of hazardous waste must occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). A contract or equivalent arrangements must specify responsibilities for each of the foreign exporter, the importer, and the

owner or operator of the receiving facility, and each must execute the contract or equivalent arrangements. A contract or equivalent arrangements is valid for hazardous waste import only if all persons assuming obligations under the contract or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.

2) Contracts or equivalent arrangements must specify the name and USEPA identification number, where available, of the following persons:

A) The foreign company from which each import shipment of hazardous waste is initiated;

B) Each person that will have physical custody of the hazardous wastes;

C) Each person that will have legal control of the hazardous wastes; and

D) The receiving facility.

3) A contract or equivalent arrangements must specify the use of a movement document in compliance with Section 722.184(d).

4) A contract or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the hazardous waste if the wastes' disposition cannot be carried out as described in the notification of intent to export submitted by either the foreign exporter or the importer. In these cases, the contract must specify the following:

A) That the transporter or receiving facility in possession or physical control over the hazardous wastes will immediately inform the foreign exporter, the importer, and the competent authority where the shipment is located of the need to arrange alternate management or return; and

B) That the person specified in the contract will assume responsibility for the adequate management of the hazardous wastes in compliance with applicable laws and regulations, including arranging the return of the hazardous wastes, if necessary, providing the notification for re-export as required by Section 722.183(b)(7).

C) Transmittals made by the transporter or receiving facility under subsection (A) being sent to a competent authority or foreign

exporter in a country with which the USEPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

5) A contract must specify that the importer or the receiving facility performing interim recycling operations R12, R13, or RC3 or interim disposal operations D13 through D15, as appropriate, will provide the notification required by Section 722.183(b)(7) prior to the re-export of hazardous waste. The recovery and disposal operations in this subsection are defined in Section 722.181.

6) A contract or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in compliance with applicable national or international law requirements.

BOARD NOTE: Financial guarantees required by competent authorities are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require financial guarantees at this time; however, some OECD Member countries or other foreign countries do. It is the responsibility of the importer to ascertain and comply with any financial requirements; in some cases, persons or facilities located in those countries may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

7) A contract or equivalent arrangements must contain provisions requiring each contracting party to comply with all requirements of Subpart H.

8) Upon request by USEPA, an importer or disposal or recovery facility must submit to USEPA copies of the contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity).

g) Confirmation of Recovery or Disposal. The receiving facility must do the following:

1) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the USEPA electronically using the USEPA's WIETS, or its successor system.

For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export. ~~Send copies of the signed and dated confirmation of recovery or disposal to the foreign exporter and to the competent authority of the country of export, as soon as possible, within thirty days after completing recovery or disposal of the waste in the shipment and within one calendar year after receiving the waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, reporting to USEPA must occur electronically using USEPA's WIETS.~~

2) If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, the receiving facility must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 to RC2~~RC3~~, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for confirmations received on or after the electronic import-export reporting compliance date, to the USEPA electronically using the USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (g)(2) are defined in Section 722.181. ~~within one year of shipment delivery. For confirmations received on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (g)(2) are defined in Section 722.181.~~ For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor syste-m to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

h) Recordkeeping

1) The importer must keep the following records and provide them to USEPA or the Agency upon request:

A) A copy of each notification that the importer sends to USEPA under subsection (b)(1) and each USEPA AOC the importer receives in response at least three years from the date the hazardous waste was accepted by the initial foreign transporter; and

B) A copy of each contract or equivalent arrangement established per subsection (f) for at least three years from the date the contract expires or equivalent arrangement.

2) The receiving facility must keep the following records:

A) A copy of each confirmation of receipt (i.e., movement document) that the receiving facility sends to the foreign exporter for at least three years from the date it received the hazardous waste;

B) A copy of each confirmation of recovery or disposal that the receiving facility sends to the foreign exporter for at least three years from the date that it completed processing the waste shipment;

C) For the receiving facility that performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15 (recovery and disposal operations defined in Section 722.181), a copy of each confirmation of recovery or disposal that the final recovery or disposal facility sent to the receiving facility for at least three years from the date that the final recovery or disposal facility completed processing the waste shipment; and

D) A copy of each contract or equivalent arrangement established under subsection (f) for at least three years after the contract expires or equivalent arrangement.

3) An importer or receiving facility may satisfy these recordkeeping requirements by keeping electronically submitted documents in the importer's or receiving facility's account on USEPA's WIETS, if the copies are readily available for viewing and production if requested by any USEPA or Agency inspector. An importer or receiving facility may not be held liable for the inability to produce the documents for inspection under this Section if the importer or receiving facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the importer or receiving facility has no responsibility.

4) The periods of retention referred to in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity or as requested in writing by USEPA or the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (h)(4) is subject to Board review under Section 40 of the Act.

(Source: Amended at 48 Ill. Reg. 9846, effective June 20, 2024)

Section 722.185 Contracts (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.186 Provisions Relating to Recognized Traders (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.187 Reporting and Recordkeeping (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.189 OECD Waste Lists (Repealed)

(Source: Repealed at 42 Ill. Reg. 22047, effective November 19, 2018)

SUBPART K: ALTERNATIVE REQUIREMENTS FOR HAZARDOUS WASTE DETERMINATION AND ACCUMULATION OF UNWANTED MATERIAL FOR LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

Section 722.300 Definitions

The following definitions apply for Subpart K:

"College or University" means a private or public post-secondary degree-granting academic institution that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

BOARD NOTE: The Department of Education maintains on-line lists of accrediting agencies on the Internet at the following address: www.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized.

"Eligible academic entity" means a college or university, a non-profit research institute that is owned by or which has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or which has a formal written affiliation agreement with a college or university.

"Formal written affiliation agreement" for a non-profit research institute means a written document that establishes a relationship between institutions for research or education and which is signed by an authorized representative, as that term is defined in 35 Ill. Adm. Code 720.110, from each institution. A relationship that exists on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. "Formal written affiliation agreement" for a teaching hospital means a "master affiliation agreement" and "program letter of agreement", as these terms are defined in the document entitled "Accreditation Council for Graduate Medical Education: Glossary of Terms", incorporated by reference in 35 Ill. Adm. Code 720.111, with an accredited medical program or medical school.

"Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are laboratories within the meaning of this definition. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also laboratories within the meaning of this definition.

"Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or which have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor or occupant. A regularly scheduled removal of unwanted material, as required by Section 722.308, does not qualify as a laboratory clean-out within the meaning of this definition.

"Laboratory worker" means a person who handles chemicals or unwanted material in a laboratory. This may include, but is not limited to, any member of faculty or staff, a post-doctoral fellow, an intern, a researcher, a technician, a supervisor or manager, or a principal investigator. A person does not need to be paid or otherwise compensated for his or her work in the laboratory to be considered a laboratory worker. An undergraduate or graduate student in a supervised classroom setting is not a laboratory worker.

"Non-profit research institute" means an organization that conducts research as its primary function and which files as a nonprofit organization under section 501(c)(3) of the federal tax code (26 USC 501(c)(3)).

"Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in 35 Ill. Adm. Code 721.133(e) for reactivity.

"Teaching hospital" means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

"Trained professional" means a person who has completed the applicable RCRA training requirements of 35 Ill. Adm. Code 722.117(a)(7), for an LQG, or who is knowledgeable about normal operations and emergencies in compliance with Section 722.116(b)(9)(C), for an SQG or VSQG that opt into 35 Ill. Adm. Code. 722.Subpart K. A trained professional may be an employee of the eligible academic entity or a contractor or vendor who meets the requisite training requirements.

"Unwanted material" means any chemical, mixtures of chemicals, products of experiments, or other material from a laboratory that is no longer needed, wanted, or usable in the laboratory and which is destined for hazardous waste determination by a trained professional. Unwanted material includes reactive acutely hazardous unwanted material, material that may eventually be determined not to be solid waste under 35 Ill. Adm. Code 721.102, or a hazardous waste under 35 Ill. Adm. Code 721.103. If an eligible academic entity elects to use another equally effective term instead of "unwanted material", as allowed by Section 722.306(a)(1)(A), the equally effective term will have the same meaning, and the material designated by that term will be subject to the same requirements as "unwanted material" under Subpart K.

"Working container" means a small container (i.e., two gallons (7.6 ℓ) or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.301 Applicability

a) LQGs and SQGs. This Subpart K provides alternative requirements to the requirements set forth in Sections 722.111 and 722.115 for determination of hazardous waste and accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

b) VSQGs. This Subpart K provides alternative requirements to the conditional exemption set forth in 35 Ill. Adm. Code 722.114 for the accumulation of hazardous waste in a laboratory owned by an eligible academic entity that chooses to be subject to this Subpart K, provided that the academic entity fulfills the notification requirements of Section 722.303.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.302 Opting into the Subpart K Requirements

a) LQGs and SQGs. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the requirements set forth in Sections 722.111 and 722.115.

b) VSQGs. An eligible academic entity has the option of complying with this Subpart K with respect to its laboratories, as an alternative to complying with the conditional exemption of 35 Ill. Adm. Code 722.114.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.303 Notice of Election into the Subpart K Requirements

a) If an eligible academic entity elects to become subject to the requirements of this Subpart K, it must notify the Agency of this election in writing using the Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number. If the eligible academic entity is a VSQG that does not have a USEPA identification number, the VSQG must notify the Agency and USEPA Region 5 that it has made this choice for all the laboratories that the eligible academic entity owns or operates that are onsite, as defined by 35 Ill. Adm. Code 720.110. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to become subject to the requirements of this Subpart K. The eligible academic entity must submit USEPA Form 8700-12 to the Agency before it begins operating under this Subpart K.

BOARD NOTE: Corresponding 40 CFR 262.203(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity". USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

"1. Reason for Submittal"

"2. Site EPA identification number" (except for a VSQG)

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

"6. North American Industry Classification System (NAICS) Code(s) for the Site"

BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for as long as its laboratories are subject to this Subpart K.

d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this Subpart K.

e) A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this Subpart K.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.304 Notice of Withdrawal from the Subpart K Requirements

a) If an eligible academic entity elects to no longer remain subject to the requirements of this Subpart K for all the laboratories that the eligible academic entity owns or operates under the same USEPA identification number, it elects to instead comply with the requirements set forth in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs. An eligible academic entity must notify the Agency in writing of this election using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). If the eligible academic entity is a VSQG that does not have a USEPA identification number, it must notify the Agency and USEPA Region 5 that it has elected to withdraw from the requirements of this Subpart K for all of the laboratories that it owns or operates that are on site. The eligible academic

entity that is a VSQG that makes this election must comply with the conditional exemption in 35 Ill. Adm. Code 722.114. If the eligible academic entity has multiple USEPA identification numbers, or if it is a VSQG with multiple sites, it must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number (or site, for a VSQG) that it elects to withdraw from the requirements of this Subpart K. The eligible academic entity that chooses to withdraw from the requirements of this Subpart K must submit USEPA Form 8700-12 to the Agency before it begins operating under the standards in Sections 722.111 and 722.115, which are the generally applicable standards for SQGs and LQGs, or Section 722.114, which are the generally applicable standards for VSQGs.

BOARD NOTE: Corresponding 40 CFR 262.204(a) requires the use of the "RCRA Subtitle C Site Identification Form (EPA Form 8700-12)". The title on USEPA Form 8700-12, however, is "Notification of RCRA Subtitle C Activity". USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

b) When submitting USEPA Form 8700-12, the eligible academic entity must, at a minimum, fill out each of the following fields on the form:

"1. Reason for Submittal"

"2. Site EPA identification number" (except for a VSQG)

"3. Site Name"

"4. Site Location Information"

"5. Site Land Type"

"6. North American Industry Classification System (NAICS) Code(s) for the Site"

BOARD NOTE: See the definition of "NAICS Code" in 35 Ill. Adm. Code 720.110.

"7. Site Mailing Address"

"8. Site Contact Person"

"9. Operator and Legal Owner of the Site"

"10. Type of Regulated Waste Activity"

"13. Certification"

c) An eligible academic entity must keep a copy of USEPA Form 8700-12, as filed with the Agency pursuant to subsection (a), on file at the eligible academic entity for three years after the date of the notification of withdrawal.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

Section 722.305 Summary of the Requirements of this Subpart K

An eligible academic entity that chooses to become subject to the requirements of this Subpart K is not required to have interim status or a RCRA Part B permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this Subpart K, and the eligible academic entity has a Laboratory Management Plan (LMP) that complies with Section 722.314 which describes how the laboratories owned by the eligible academic entity will comply with the requirements of this Subpart K.

(Source: Added at 34 Ill. Reg. 18817, effective November 12, 2010)

Section 722.306 Container Standards in the Laboratory

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this Section.

a) Labeling. The eligible academic entity must label containers of unwanted material as follows:

1) The following information must be affixed or attached to the container:

A) The words "unwanted material", or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and

B) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to, the following:

i) The name of the chemicals; or

ii) The type or class of chemicals, such as organic solvents or halogenated organic solvents.

2) The following information may be affixed or attached to the container, but must be associated with the container if not attached to it:

A) The date on which the unwanted material first began accumulating in the container; and

B) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid waste and a hazardous waste and to assign the proper USEPA hazardous waste numbers to the material, pursuant to Section 722.111. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid waste and hazardous waste include, but are not limited to, the following:

i) The name or description of the chemical contents or the composition of the unwanted material or, if known, the product of the chemical reaction;

ii) Whether the unwanted material has been used or is unused; and

iii) A description of the manner in which the chemical was produced or processed, if applicable.

b) Management of Containers in the Laboratory. An eligible academic entity must properly manage containers of unwanted material in the laboratory in a way that assures safe storage of the unwanted material and which prevents leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following actions:

1) Containers must be maintained and kept in good condition, and damaged containers must be replaced, overpacked, or repaired;

2) Containers must be compatible with their contents, in order to avoid reactions between the contents and the container; and they must be made of, or lined with, material that is compatible with the unwanted material, so that the container's integrity is not impaired; and

3) Containers must be kept closed at all times, except under the following circumstances:

A) A container may be open when adding, removing, or bulking unwanted material;

B) A working container may be open until the end of the procedure, until the end of the work shift, or until it is full, whichever comes first, at which time either the working container must be closed or its contents emptied into a separate container that is then closed; or

C) A container may be open when venting of a container is necessary for either of the following reasons:

i) It is necessary for the proper operation of laboratory equipment, such as with inline collection of unwanted materials from high performance liquid chromatographs; or

ii) It is necessary to prevent dangerous situations, such as a build-up of extreme pressure.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.307 Personnel Training

An eligible academic entity must provide training to all individuals working in its laboratory, as follows:

a) It must provide training for laboratory workers and students that is commensurate with their duties, so that the workers and students understand the requirements of this Subpart K and can implement them.

b) An eligible academic entity may provide training for laboratory workers and students in a variety of ways, including, but not limited to, any of the following:

1) Instruction by the professor or laboratory manager before or during an experiment;

2) Formal classroom training;

3) Electronic or written training;

4) On-the-job training; or

5) Written or oral exams.

c) An eligible academic entity that is an LQG (see Section 722.127) must maintain for the durations specified in 35 Ill. Adm. Code 725.116(e) documentation which is sufficient to demonstrate that training for all laboratory workers has occurred. Examples of documentation which demonstrates that training has occurred can include, but are not limited to, the following:

1) Sign-in or attendance sheets for training sessions;

2) Syllabi for training sessions;

3) Certificates of training completion; or

4) Test results.

d) A trained professional is required for either of the following tasks:

1) A trained professional must accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and

2) A trained professional must make the hazardous waste determination for unwanted material, pursuant to Section 722.111(a) through (d).

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.308 Removing Unwanted Material from the Laboratory

a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must do either of the following:

1) It must remove all containers of unwanted material from each laboratory on a regular interval, not to exceed 12 months; or

2) It must remove containers of unwanted material from each laboratory within 12 months after each container's accumulation start date.

b) The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subsection (a)(1) or (a)(2) for the regular removal of unwanted material from its laboratories.

c) The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subsection (a)(1) or (a)(2) and how the eligible academic entity will develop a schedule for regular removals of unwanted material from its laboratories.

d) Removing containers of unwanted material when volumes are exceeded.

1) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons (208 ℓ) before the regularly scheduled removal, the eligible academic entity must ensure that the following requirements are fulfilled for all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which 55 gallons (208 ℓ) was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days after the date on which 55 gallons (208 ℓ) was exceeded, or on the date of the next regularly scheduled removal, whichever comes first.

2) If a laboratory accumulates more than one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or more than 1 kg (2.2 lbs) of solid reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that the following requirements are fulfilled for all containers of reactive acutely hazardous unwanted material:

A) The containers are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date on which one quart (0.946 ℓ) or 1 kg was exceeded; and

B) The containers are removed from the laboratory within 10 calendar days after the date on which one quart (0.946 ℓ) or 1 kg was exceeded, or at the next regularly scheduled removal, whichever comes first.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.309 Hazardous Waste Determination and Removal of Unwanted Material from the Laboratory

a) LQGs and SQGs. An eligible academic entity that is an LQG or an SQG must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111, for unwanted material in any of the following areas within the time given for that area:

1) In the laboratory, before the unwanted material is removed from the laboratory, in accordance with Section 722.310;

2) At an on-site central accumulation area, within four calendar days after the waste arrives in the area, in accordance with Section 722.311; or

3) At an on-site interim status or permitted treatment, storage, or disposal facility, within four calendar days after the waste arrives in the facility, in accordance with Section 722.312.

b) VSQGs. An eligible academic entity that is a conditionally exempt small quantity generator must ensure that a trained professional makes a hazardous waste determination, pursuant to Section 722.111(a) through (d), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with Section 722.310.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.310 Hazardous Waste Determination in the Laboratory

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material in the laboratory, it must fulfill the following requirements:

a) A trained professional must make the hazardous waste determination, pursuant to Section 722.111(a) through (d), before the unwanted material is removed from the laboratory.

b) If an unwanted material is a hazardous waste, the eligible academic entity must do the following:

1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory;

2) It must write the appropriate USEPA hazardous waste numbers on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and

3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category, pursuant to Section 722.113, in the calendar month that the hazardous waste determination was made.

c) A trained professional must accompany all hazardous waste that is transferred from the laboratory to an on-site central accumulation area or on-site interim status or permitted treatment, storage, or disposal facility.

d) When hazardous waste is removed from the laboratory, the following requirements apply:

1) An eligible academic entity that is an LQG or an SQG must ensure that its hazardous waste is taken directly from the laboratory to an on-site central accumulation area or to an on-site interim status or permitted treatment, storage, or disposal facility, or the waste is transported off-site.

2) An eligible academic entity that is a VSQG must ensure that its hazardous waste is taken directly from the laboratory to any of the types of facilities listed in Section 722.114.

e) An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations after it has been removed from the laboratory.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.311 Hazardous Waste Determination at an On-Site Central Accumulation Area

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site central accumulation area, it must fulfill the following requirements:

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site central accumulation area.

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site central accumulation area.

c) The unwanted material becomes subject to the generator accumulation regulations of Section 722.116, for an SQG, or Section 722.117, for an LQG, as soon as the material arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of Sections 722.116(b)(6) and 722.117(a)(5).

d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at the on-site central accumulation area.

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

    1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container, within four calendar days after the unwanted material has arrived at the on-site central accumulation area and before the hazardous waste may be removed from that area;

    2) It must write the appropriate USEPA hazardous waste numbers on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported offsite;

    3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category, pursuant to 35 Ill. Adm. Code 722.113, in the calendar month that the hazardous waste determination was made; and

    4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.312 Hazardous Waste Determination at an On-Site Treatment, Storage, or Disposal Facility

When an eligible academic entity makes the hazardous waste determination, pursuant to Section 722.111, for unwanted material at an on-site interim status or permitted treatment, storage, or disposal facility, it must fulfill the following requirements:

a) A trained professional must accompany all unwanted material that is transferred from the laboratory to an on-site interim status or permitted treatment, storage, or disposal facility;

b) All unwanted material removed from the laboratory must be taken directly from the laboratory to the on-site interim status or permitted treatment, storage, or disposal facility;

c) The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives at the on-site treatment, storage, or disposal facility;

d) A trained professional must determine, pursuant to Section 722.111(a) through (d), if the unwanted material is a hazardous waste within four calendar days after the unwanted material has arrived at an on-site interim status or permitted treatment, storage or disposal facility; and

e) If the unwanted material is a hazardous waste, the eligible academic entity must fulfill the following requirements:

    1) It must write the words "hazardous waste" on the container label that is affixed or attached to the container within four calendar days after the unwanted material has arrived at the on-site interim status or permitted treatment, storage, or disposal facility and before the hazardous waste may be removed from that facility;

    2) It must write the appropriate USEPA hazardous waste numbers on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site;

    3) It must count the hazardous waste toward the amount used to determine the eligible academic entity's generator category, pursuant to 35 Ill. Adm. Code 722.113 in the calendar month that the hazardous waste determination was made; and

    4) It must manage the hazardous waste according to all applicable hazardous waste regulations.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.313 Laboratory Clean-Outs

a) Once in any 12-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this Subpart K, except that the following limitations apply:

1) If the volume of unwanted material in the laboratory exceeds 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within 10 calendar days after exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of liquid reactive acutely hazardous unwanted material or 1 kg (0.45 lb) of solid reactive acutely hazardous unwanted material), as required by Section 722.308. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within 30 calendar days after the start of the laboratory clean-out;

2) For the purposes of on-site accumulation, an eligible academic entity is not required to count toward its hazardous waste generator category, pursuant to 35 Ill. Adm. Code 722.113, a hazardous waste that is an unused commercial chemical product (one that is listed in Subpart D of 35 Ill. Adm. Code 721 or which exhibits one or more of the characteristics set forth in Subpart C of 35 Ill. Adm. Code 721) that is solely generated during the laboratory clean-out. An unwanted material that is generated prior to the beginning of the laboratory clean-out and which is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator category, pursuant to 35 Ill. Adm. Code 722.113, if it is determined to be hazardous waste;

3) For the purposes of off-site management, an eligible academic entity must count all of its hazardous waste, regardless of whether the hazardous waste was counted toward generator category under subsection (a)(2), and if the eligible academic entity generates more than one kg per month of acute hazardous waste or more than 100 kg per month of non-acute hazardous waste (i.e., the VSQG limits, as defined in 35 Ill. Adm. Code 720.110), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off site; and

4) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out began and ended, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain these records for a period of three years from the date on which the clean-out ended.

b) For all other laboratory clean-outs conducted during the same 12-month period, an eligible academic entity is subject to all the applicable requirements of this Subpart K, including, but not limited to the following:

1) The requirement to remove all unwanted materials from the laboratory within 10 calendar days of exceeding 55 gallons (208 ℓ) (or one quart (0.946 ℓ) of reactive acutely hazardous unwanted material), as required by Section 722.308; and

2) The requirement to count all hazardous waste, including unused hazardous waste, that is generated during the laboratory clean-out toward its hazardous waste generator category, pursuant to 35 Ill. Adm. Code 722.113.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.314 Laboratory Management Plan

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this Subpart K. An eligible academic entity may write one Laboratory Management Plan for all of the laboratories that it owns which have opted into this Subpart K, even if the laboratories are located at sites with different USEPA identification numbers. The Laboratory Management Plan must contain two parts, with a total of the nine elements identified in subsections (a) and (b). In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in subsection (a). An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of its Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in subsection (b). The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this Subpart K. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it so chooses.

a) The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Part I must describe procedures for container labeling in accordance with Section 722.306(a), as follows:

A) Identification whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identification of an equally effective term that the eligible

academic entity will consistently use in lieu of "unwanted material". The equally effective term, if used, has the same meaning as the term "unwanted material", and the material is subject to the same requirements as if it were called "unwanted material"; and

B) Identification of the manner in which information that is "associated with the container" will be imparted.

2) Identification whether the eligible academic entity will comply with Section 722.308(a)(1) or (a)(2) for regularly scheduled removals of unwanted material from the laboratory.

b) In Part II of its Laboratory Management Plan, an eligible academic entity must include the following information:

1) Description of its intended best practices for container labeling and management (see the required standards at Section 722.306);

2) Description of its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at Section 722.307(a));

3) Description of its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at Section 722.307(d)(1));

4) Description of its intended best practices for removing unwanted material from the laboratory, including the following:

A) For regularly scheduled removals, a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at Section 722.308(a)(1) and (a)(2));

B) For removals when maximum volumes are exceeded, the following:

i) Description of the eligible academic entity's intended best practices for removing unwanted materials from the laboratory within 10 calendar days after the date on which unwanted materials have exceeded their maximum volumes (see the required standards at Section 722.308(d)); and

ii) Description of its intended best practices for communicating that unwanted materials have exceeded their maximum volumes;

5) Description of its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at Sections 722.111(a) through (d) and 722.309 through 722.312);

6) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in Section 722.313, including the following:

A) Procedures for conducting laboratory clean-outs (see the required standards at Section 722.313(a)(1) through (a)(3)); and

B) Procedures for documenting laboratory clean-outs (see the required standards at Section 722.313(a)(4));

7) Description of the eligible academic entity's intended best practices for emergency prevention, including the following information:

A) Procedures for emergency prevention, notification, and response that are appropriate to the hazards in the laboratory;

B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date or as they degrade;

C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date or as they degrade; and

D) Procedures for the timely characterization of unknown chemicals.

c) An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who may request it.

d) An eligible academic entity must review and revise its Laboratory Management Plan as needed.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.315 Unwanted Material That Is Not Solid Waste or Hazardous Waste

a) If an unwanted material does not meet the definition of solid waste in 35 Ill. Adm. Code 721.102, it is no longer subject to the requirements of this Subpart K or to the RCRA hazardous waste regulations of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728.

b) If an unwanted material does not meet the definition of hazardous waste in 35 Ill. Adm. Code 721.103, it is no longer subject to this Subpart K or to the RCRA hazardous waste regulations, but must be managed in compliance with any other applicable regulations or conditions.

(Source: Added at 34 Ill. Reg. 18817, effective November 12, 2010)

Section 722.316 Non-Laboratory Hazardous Waste Generated at an Eligible Academic Entity

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this Subpart K, and either of the following is true of the waste:

a) That hazardous waste remains subject to the generator requirements of Sections 722.111 and 722.115, for an LQG or an SQG (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of 35 Ill. Adm. Code 722; or

b) That hazardous waste remains subject to the conditional exemption of 35 Ill. Adm. Code 722.114, for a VSQG.

(Source: Amended at 42 Ill. Reg. 22047, effective November 19, 2018)

SUBPART L: ALTERNATIVE STANDARDS FOR EPISODIC GENERATION

Section 722.330 Applicability

This subpart is applicable to VSQGs and SQGs, as defined in 35 Ill. Adm. Code 720.110.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.331 Definitions for This Subpart L

"Episodic event" means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.

"Planned episodic event" means an episodic event that the generator planned and prepared for, including regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

"Unplanned episodic event" means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or "acts of nature", such as tornado, hurricane, or flood.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.332 Conditions for a Generator Managing Hazardous Waste from an Episodic Event

a) VSQGs. A VSQG may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions:

1) The VSQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;

2) Notification. The VSQG must notify the Agency no later than 30 calendar days prior to initiating a planned episodic event using Notification of RCRA Subtitle C Activities (Site Identification From) (USEPA Form 8700-12). In the event of an unplanned episodic event, the generator must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The generator must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with Section 722.116(b)(9)(A);

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

3) USEPA Identification Number. The VSQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12;

4) Accumulation. A VSQG is prohibited from accumulating hazardous waste generated from an episodic event on drip pads or in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply:

A) Containers. A VSQG accumulating in containers must mark or label its containers with the following:

i) The words “Episodic Hazardous Waste”;

ii) An indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics (i.e.,

ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labelling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. A VSQG accumulating episodic hazardous waste in tanks must do the following:

i) Mark or label the tank with the words "Episodic Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with subpart E (Labeling) and subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment, or other records to identify the date upon which each episodic event begins; and

iv) Keep inventory logs or records with the information required by subsection (a)(4)(B)(iii) on site and readily available for inspection.

C) The generator must manage hazardous waste in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water;

i) Containers must be in good condition and compatible with the hazardous waste being accumulated in them. The generator must keep containers closed except to add or remove waste; and

ii) Tanks must be in good condition and compatible with the hazardous waste accumulated in them. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure that the generator operates the tank according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

5) The VSQG must comply with the hazardous waste manifest provisions of Subpart B and the recordkeeping provisions for SQG in Section 722.144 when the VSQG sends its episodic event hazardous waste off site to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

6) The VSQG has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a designated facility, as defined in 35 Ill. Adm. Code 720.110.

7) A VSQG must maintain the following records for three years from the end date of the episodic event:

A) The beginning and end dates of the episodic event;

B) A description of the episodic event;

C) A description of the types and quantities of hazardous wastes generated during the event;

D) A description of how the hazardous waste was managed, as well as the name of the RCRA-designated facility that received the hazardous waste;

E) The names of hazardous waste transporters; and

F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

b) SQGs. An SQG may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions:

1) The SQG is limited to one episodic event per calendar year, unless the Agency has determined that an additional episodic event is necessary, as provided in Section 722.333;

2) Notification. The SQG must notify Agency no later than 30 calendar days prior to initiating a planned episodic event using USEPA Form 8700-12 (Notification of RCRA Subtitle C Activities (Site Identification From)). In the event of an unplanned episodic event, the SQG must notify Agency within 72 hours of the unplanned event via phone, email, or fax and subsequently submit USEPA Form 8700-12. The SQG must include the start date and end date of the episodic event, the reasons for the event and the types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and the generator must identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

3) USEPA Identification Number. The SQG must have a USEPA identification number or obtain a USEPA identification number using USEPA Form 8700-12; and

4) Accumulation by SQGs. An SQG is prohibited from accumulating hazardous wastes generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions apply:

A) Containers. An SQG accumulating episodic hazardous waste in containers must meet the standards at Section 722.116(b)(2) and must mark or label its containers with the following:

i) The words “Episodic Hazardous Waste”;

ii) An indication of the hazards of the contents. Examples include, but are not limited to, the applicable hazardous

waste characteristics (i.e., ignitable, corrosive, reactive, or toxic); hazard communication consistent with the USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111; and

iii) The date when the episodic event began, clearly visible for inspection on each container.

B) Tanks. An SQG accumulating episodic hazardous waste in tanks must meet the standards at Section 722.116(b)(3) and must do the following:

i) Mark or label its tank with the words "Episodic Hazardous Waste";

ii) Mark or label its tanks with an indication of the hazards of the contents. Examples include the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, or toxic) listed in Subpart C or D of 35 Ill. Adm. Code 721; hazard communication consistent with USDOT requirements at subpart E (labeling) and subpart F (placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200 (Hazard Communication), incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Use inventory logs, monitoring equipment or other records to identify the date upon which episodic event begins; and

iv) Keep inventory logs or records with the above information on site and available for inspection.

5) The SQG must treat hazardous waste generated from an episodic event on site or manifest and ship the hazardous waste off site to a designated facility (as defined by 35 Ill. Adm. Code 720.110) within 60 calendar days from the start of the episodic event.

6) The SQG must maintain the following records for three years from the end date of the episodic event:

A) The beginning and end dates of the episodic event;

B) A description of the episodic event;

C) A description of the types and quantities of hazardous wastes generated during the event;

D) A description of how the hazardous waste was managed as well as the name of the designated RCRA facility (as defined by 35 Ill. Adm. Code 720.110) that received the hazardous waste;

E) The names of hazardous waste transporters; and

F) The approval letter from the Agency if the generator requested the Agency under Section 722.333 to conduct one additional episodic event per calendar year.

(Source: Amended at 48 Ill. Reg.16994, effective November 22, 2024)

Section 722.333 Request to Manage One Additional Episodic Event Per Calendar Year

a) After obtaining a provisional variance from the Agency, a generator may conduct a second episodic event not to exceed 60 days in a calendar year without impacting its generator category under the following conditions:

1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may conduct an additional unplanned episodic event in that calendar year. The generator must submit a written request for a provisional variance to the Agency within 72 hours after the unplanned event.

2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year. The generator must obtain a provisional variance from the Agency before beginning the additional planned episodic event.

b) The generator must submit the written request using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), identifying it as a request for an additional episodic request. The written request must include the following information:

1) The reasons why an additional episodic event is needed and the nature of the episodic event;

2) The estimated amount of hazardous waste to be managed from the event;

3) How the generator will manage the hazardous waste;

4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event—not to exceed 60 days; and

5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

c) The generator must submit the written request to the Agency either on paper or electronically.

d) The generator must retain written approval in its records for three years from the date the episodic event ended.

e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:

1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;

2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;

3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);

4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;

5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and

6) The generator will manage the hazardous waste in a way that no violation of the Act or Board regulations will occur.

BOARD NOTE: Any Agency determination made under this Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section

subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

(Source: Amended at 43 Ill. Reg. 5955, May 2, 2019)

SUBPART M: PREPAREDNESS, PREVENTION, AND EMERGENCY PROCEDURES FOR LARGE QUANTITY GENERATORS

Section 722.350 Applicability

The regulations of this Subpart M apply to those areas of an LQG where hazardous waste is generated or accumulated on site.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.351 Maintenance and Operation of Facility

An LQG must maintain and operate its facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.352 Required Equipment

The LQG must equip all areas to which Section 722.350 deems this Subpart M applicable with the items in subsections (a) through (d) (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified in this Section or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified in this Section). An LQG may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies. The LQG must have the appropriate of the following equipment:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.353 Testing and Maintenance of Equipment

The LQG must test and maintain all required communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment as necessary to assure their proper operation in time of emergency.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.354 Access to Communications or Alarm System

a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 722.352.

b) In the event there is just one employee on the premises while the facility is operating, the employee must have immediate access (i.e., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 722.352.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.355 Required Aisle Space

The LQG must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.356 Arrangements with Local Authorities

a) The LQG must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. The LQG may make arrangements with the Local Emergency Planning Committee, if it is the appropriate organization with which to make arrangements.

BOARD NOTE: The State Emergency Response Commission (SERC) maintains an on-line listing of Local Emergency Planning Committees in Illinois by jurisdiction: www.illinois.gov/iema/Preparedness/SERC/Documents/LEPC_ReleaseReportingContactList.pdf.

1) An LQG attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

2) As part of this coordination, the LQG must attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes, as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

3) Where more than one police or fire department might respond to an emergency, the LQG must attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

b) The LQG must maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that the LQG attempted to make these arrangements.

c) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code within the State or facility's locality as far as needing to make arrangements with the local fire department, as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.360 Purpose and Implementation of Contingency Plan

a) An LQG must have a contingency plan for the facility. The LQG must design the contingency plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

b) The LQG must carry out the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.361 Content of Contingency Plan

a) The contingency plan must describe the actions required of facility personnel to comply with Sections 722.360 and 722.365 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

b) If the generator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 112 or some other emergency or contingency plan, the generator needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this Part. The generator may develop one contingency plan that meets all regulatory standards.

BOARD NOTE: USEPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan"). The National Response Team published the Guidance at 61 Fed. Reg. 28642 (June 5, 1996).

c) The plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee, if applicable, pursuant to Section 722.356.

d) The plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator (see Section 722.364), and the generator must keep this list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. If the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor), as well as an emergency telephone number that will be answered at all times.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. The generator must keep this list up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

f) The plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.362 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be maintained at the LQG facility, and the LQG must to the following:

a) The LQG must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services). The generator may also submit this document to the Local Emergency Planning Committee, as appropriate.

b) An LQG that first becomes subject to these provisions or an LQG that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:

1) The types or names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);

2) The estimated maximum amount of each hazardous waste that may be present at any one time;

3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;

4) A map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes;

5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

6) The locations of water supply (e.g., fire hydrants and their flow rate);

7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms, etc.); and

8) The name of the emergency coordinators and 24/7 emergency telephone numbers or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

c) A generator must update its quick reference guides, if necessary, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in subsection (a) or, as appropriate, the Local Emergency Planning Committee.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.363 Amendment of Contingency Plan

The generator must review its contingency plan and immediately amend the plan, if necessary, whenever any of the following occurs:

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or which changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.364 Emergency Coordinator

At all times, at least one employee must be either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in Section 722.365. Although responsibilities may vary depending on factors such as type and variety of hazardous wastes handled by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.365 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately undertake the following actions:

1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions, etc.).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800/424–8802). The report must include:

A) The name and telephone number of the reporter;

B) The name and address of the generator;

C) The time and type of incident (e.g., release, fire, etc.);

D) The name and quantity of materials involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health or the environment outside the facility.

e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

f) If the generator stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements and conditions for exemption in 35 Ill. Adm. Code 722, 723, and 725.

h) The emergency coordinator must ensure that the following is true in the affected areas of the facility:

1) No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the generator must submit a written report on the incident to the Agency. The report must include the following information:

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

2) The date, time, and type of incident (e.g., fire, explosion, etc.);

3) The name and quantity of materials involved;

4) The extent of injuries, if any;

5) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

6) The estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Added at 42 Ill. Reg. 22047, effective November 19, 2018)

Section 722.APPENDIX A Hazardous Waste Manifest (Repealed)

(Source: Repealed at 43 Ill. Reg. 563, effective December 6, 2018)

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
723.113 Electronic Reporting

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section

723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping
723.125 Electronic Manifest Signatures

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section

723.130 Immediate Action
723.131 Discharge Cleanup

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19 at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17965, effective September 28, 1998; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3180, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 881, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11969, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 17959, effective October 14, 2011; amended in R15-1 at 39 Ill. Reg. 1711, effective January 12, 2015; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22595, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 585, effective December 6, 2018;

amended in R19-11 at 43 Ill. Reg. 5995, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15331, effective September 3, 2020.

SUBPART A: GENERAL

Section 723.110 Scope

a) These regulations establish standards which apply to persons transporting hazardous waste into, out of or through Illinois if the transportation requires a manifest under 35 Ill. Adm. Code 722.

b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code 722, "Standards Applicable to Generators of Hazardous Waste", if either of the following occurs:

1) It transports hazardous waste into the United States from abroad; or

2) It mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

d) A transporter of hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal is subject to this Subpart and to all other relevant requirements of 35 Ill. Adm. Code 722.Subpart H, including, but not limited to, 35 Ill. Adm. Code 722.183(d) and 722.184 for movement documents.

e) The regulations in this Part do not apply to transportation during an explosives or munitions emergency response, conducted in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(c)(11)(A)(iv) or (c)(11)(D), and 35 Ill. Adm. Code 703.121(a)(4) or (c).

f) 35 Ill. Adm. Code 726.303 identifies how the requirements of this Part apply to military munitions classified as solid waste under 35 Ill. Adm. Code 726.302.

(Source: Amended at 42 Ill. Reg. 22595, effective November 19, 2018)

Section 723.111 USEPA Identification Number

a) A transporter must not transport hazardous waste without having received a USEPA identification number from the Administrator.

b) A transporter who has not received a USEPA identification number may obtain one by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12). Upon receiving the request, USEPA Region 5 will assign a USEPA identification number to the transporter.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. 5995, May 2, 2019)

Section 723.112 Transfer Facility Requirements

a) A transporter that stores manifested shipments of hazardous waste in containers meeting the independent requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of 10 days or less is not subject to regulations under 35 Ill. Adm. Code 702, 703, 724, 725, 727, or 728 with respect to the storage of those wastes.

b) When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter must mark its containers of 119 gallons (450 ℓ) or less capacity with the following information:

1) The words "Hazardous Waste"; and

2) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721, or in compliance with 35 Ill. Adm. Code 722.132(c).

(Source: Amended at 42 Ill. Reg. 22595, effective November 19, 2018)

Section 723.113 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 881, effective December 20, 2006)

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section 723.120 The Manifest System

a) No Acceptance Without a Manifest

1) Manifest Requirement. A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (USEPA Form 8700-22, and if necessary, USEPA Form 8700-22A) signed in accordance with the provisions of 35 Ill. Adm. Code 723.123, or is provided with an e-Manifest that is obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3) and signed with a valid and enforceable electronic signature as described in 35 Ill. Adm. Code 722.125.

2) Exports. For exports of hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, a transporter may not accept hazardous waste without a manifest signed by the generator in compliance~~accordance~~ with this Section, as appropriate, and ~~for exports occurring under the terms of a consent issued by USEPA on or after December 31, 2016,~~ a movement document that includes all information required by 35 Ill. Adm. Code 722.183~~(d)~~.

3) This subsection (a)(3) corresponds with 40 CFR 263.20(a)(3), an applicability statement that became obsolete for the purposes of the Illinois rules on September 6, 2006. This statement maintains structural parity with the corresponding federal regulations.

4) Use of e-Manifest—Legal Equivalence to Paper Forms for Participating Transporters. E-Manifests that are obtained, completed, and transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of USEPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

A) Any requirement in 35 Ill. Adm. Code 720 through 728 to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

B) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person by submission to the e-Manifest System.

C) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied

when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that, to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, incorporated by reference in 35 Ill. Adm. Code 720.111, a hazardous waste transporter must carry one printed copy of the e-Manifest on the transport vehicle.

D) Any requirement in 35 Ill. Adm. Code 720 through 728 for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an e-Manifest in the transporter's account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or authorized state inspector.

E) No transporter may be held liable for the inability to produce an e-Manifest for inspection under this Section if that transporter can demonstrate that the inability to produce the e-Manifest is exclusively due to a technical difficulty with the USEPA e-Manifest System for which the transporter bears no responsibility.

BOARD NOTE: The Board has rendered the language "any requirement in these regulations" in corresponding 40 CFR 263.20(a)(4)(i) through (a)(4)(iv) as "any requirement in any provision of 35 Ill. Adm. Code 720 through 728" in the appropriate segments of this subsection (a)(4).

5) A transporter may participate in the e-Manifest System either by accessing the e-Manifest System from the transporter's own electronic equipment, or by accessing the e-Manifest System from the equipment provided by a participating generator, by another transporter, or by a designated facility.

6) Special Procedures When e-Manifest Is Not Available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the e-Manifest System should become unavailable for any reason, then the following requirements apply:

A) The transporter in possession of the hazardous waste when the e-Manifest becomes unavailable must reproduce sufficient copies of the printed manifest that is carried on the transport vehicle under subsection (a)(4)(C) or obtain and complete another paper manifest for this purpose. The transporter must reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste.

B) On each printed copy, the transporter must include a notation in the Special Handling and Additional Description space (Item 14) that the paper manifest is a replacement manifest for a manifest originated in the e-Manifest System, must include (if not pre-printed on the replacement manifest) the manifest tracking number of the e-Manifest that is replaced by the paper manifest, and must also include a brief explanation why the e-Manifest was not available for completing the tracking of the shipment electronically.

C) A transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy.

D) From the point at which the e-Manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies must be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

7) Special Procedures for Electronic Signature Methods Undergoing Tests. If a transporter using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter must sign the e-Manifest electronically and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with subsection (a)(4)(C)(i). This printed copy bearing the generator's and transporter's ink signatures must also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner or operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy must be delivered to the designated facility with the waste materials.

8) This subsection (a)(8) corresponds with 40 CFR 263.20(a)(8), which USEPA has removed and marked "reserved". This statement maintains consistency with the corresponding federal rules.

9) Post-Receipt Manifest Data Corrections. After a facility has certified ~~to the receipt of hazardous wastes by signing Item 20 of the manifest,~~ that the manifest is complete, by signing it at the time of submission to the USEPA

e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. ~~A transporter may participate electronically~~ If corrections requested by the USEPA for portions of the manifest that a transporter is required to complete, the transporter must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via~~in~~ the post-receipt data corrections process ~~by following the process~~ described in 35 Ill. Adm. Code 725.171(l)~~724.171(l)~~, which applies to corrections made to either paper or electronic manifests. ~~records~~.

b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

c) The transporter must ensure that the manifest accompanies the hazardous waste. For exports, the transporter must ensure that a movement document that includes all information required by Section 722.183(d) also accompanies the hazardous waste. For imports, the transporter must ensure that a movement document that includes all information required by Section 722.184(d) also accompanies the hazardous waste.~~In the case of exports occurring under the terms of a consent issued by USEPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) also accompanies the hazardous waste. In the case of imports occurring under the terms of a consent issued by USEPA to the country of export or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 35 Ill. Adm. Code 722.184(d) also accompanies the hazardous waste.~~

d) A transporter that delivers a hazardous waste to another transporter or to the designated facility must do the following:

1) It must obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest;

2) It must retain one copy of the manifest in accordance with Section 723.122; and

3) It must give the remaining copies of the manifest to the accepting transporter or designated facility.

e) Subsections (c), (d), and (f) do not apply to water (bulk shipment) transporters if all of the following are true:

1) The hazardous waste is delivered by water (bulk shipment) to the designated facility;

2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) accompanies the hazardous waste;

3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest or the shipping paper;

4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 723.122.

f) For shipments involving rail transportation, the following requirements apply instead of subsections (c), (d), and (e), which do not apply:

1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must do the following:

A) It must sign and date the manifest acknowledging acceptance of the hazardous waste;

B) It must return a signed copy of the manifest to the non-rail transporter;

C) It must forward at least three copies of the manifest to the following entities:

i) The next non-rail transporter, if any;

ii) The designated facility, if the shipment is delivered to that facility by rail; or

iii) The last rail transporter designated to handle the waste in the United States; and

D) It must retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.

2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports or imports occurring under the terms of a consent issued by USEPA, a movement document that includes all information required by 35 Ill. Adm. Code 722.183(d) or 722.184(d) accompanies the hazardous waste at all times.

BOARD NOTE: Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.

3) When delivering hazardous waste to the designated facility, a rail transporter must do the following:

A) It must obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

B) It must retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.

4) When delivering hazardous waste to a non-rail transporter a rail transporter must do the following:

A) It must obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

B) It must retain a copy of the manifest in accordance with Section 723.122.

5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

g) Transporters that transport hazardous waste out of the United States must do the following:

1) Sign and date the manifest in the International Shipments block on the Continuation Sheet (USEPA Form 8700-22A) to indicate the date that the hazardous waste left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

2) Retain one copy in accordance with Section 723.122(d);

3) Compliance date for manifest returns on January 22, 2025. Beginning on January 22, 2025, return signed, top copies of the manifest and continuation sheet to the generator. On December 1, 2025, this paragraph (g)(3) no longer applies, and paragraph (g)(4) of this section applies instead.~~Return a signed copy of the manifest to the generator; and~~

4) Compliance date for manifest returns on December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.~~For paper manifests only, the transporter must do the following:~~

~~A) Send a copy of the manifest to the e-Manifest System in accordance with the allowable methods specified in 35 Ill. Adm. Code 724.171(a)(2)(E); and~~

~~B) For shipments initiated prior to December 31, 2017, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.~~

h) A transporter transporting hazardous waste from a generator that generates greater than 100 kg (220 lbs) but less than 1,000 kg (2,200 lbs) of hazardous waste in a calendar month need not comply with this Section or Section 723.122 provided that:

1) The waste is being transported under a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);

2) The transporter records, on a log or shipping paper, the following information for each shipment:

A) The name, address and USEPA Identification Number (35 Ill. Adm. Code 722.118) of the generator of the waste;

B) The quantity of waste accepted;

C) All shipping information required by the United States Department of Transportation;

D) The date the waste is accepted; and

3) The transporter carries this record when transporting waste to the reclamation facility; and

4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(Source: Amended at 44 Ill. Reg. 15331, effective September 3, 2020)

Section 723.121 Compliance with the Manifest

a) Except as provided in subsection (b), the transporter must deliver the entire quantity of hazardous waste that it has accepted from a generator or a transporter to:

1) The designated facility listed on the manifest; or

2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

3) The next designated transporter; or

4) The place outside the United States designated by the generator.

b) Non-Delivery of the Hazardous Waste

1) Emergency Condition. If the hazardous waste cannot be delivered in accordance with subsection (a)(1), (a)(2), or (a)(4) because of an emergency condition other than rejection of the waste by the designated facility or alternate designated facility, then the transporter must contact the generator for further instructions and must revise the manifest according to the generator's instructions.

2) Transporters Without Generator-Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subsection (a)(3), and the current transporter is without contractual authorization from the generator to act as the generator's agent with respect to transporter additions or substitutions, then the current transporter must contact the generator for further instructions prior to making any revisions to the transporter designations on the manifest. The current transporter may thereafter make such revisions if the condition of subsection (b)(2)(C) is true and the condition of either subsection (b)(2)(A) or (b)(2)(B) is also true:

A) The hazardous waste is not delivered in accordance with subsection (a)(3) because of an emergency condition.

B) The current transporter proposes to change the transporters designated on the manifest by the generator, or to add a new

transporter during transportation, to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

C) The generator authorizes the revision.

3) Transporters with Generator-Agency Authority. If the hazardous waste is not delivered to the next designated transporter in accordance with subsection (a)(3), and the current transporter has authorization from the generator to act as the generator's agent, then the current transporter may change the transporters designated on the manifest, or add a new transporter, during transportation without the generator's prior, explicit approval, provided that all of the following conditions are true:

A) The current transporter is authorized by a contractual provision that provides explicit agency authority for the transporter to make such transporter changes on behalf of the generator;

B) The transporter enters, in Item 14 of each manifest for which such a change is made, the following statement of its generator-agency authority: "Contract retained by generator confers agency authority on initial transporter to add or substitute additional transporters on generator's behalf"; and

C) The change in designated transporters is necessary to respond to an emergency, or for purposes of transportation efficiency, convenience, or safety.

4) Generator Liability. The grant by a generator of authority to a transporter to act as the agent of the generator with respect to changes to transporter designations under subsection (b)(3) does not affect the generator's liability or responsibility for complying with any applicable requirement under 35 Ill. Adm. Code, or grant any additional authority to the transporter to act on behalf of the generator.

c) If hazardous waste is rejected by the designated facility while the transporter is on the premises of the designated facility, then the transporter must obtain the following, as appropriate:

1) For a partial load rejection or for regulated quantities of container residues: a copy of the original manifest that includes the facility's date and signature, the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with Section 723.122 and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected

part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

2) For a full load rejection that will be taken back by the transporter: a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and USEPA identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with Section 723.122 and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with 35 Ill. Adm. Code 724.172(e)(1) through (e)(6) or (f)(1) through (f)(6) or 725.172(e)(1) through (e)(6) or (f)(1) through (f)(6).

(Source: Amended at 44 Ill. Reg. 15331, effective September 3, 2020)

Section 723.122 Recordkeeping

a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

b) For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in Section 723.120(e)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

c) For shipments of hazardous waste by rail within the United States:

1) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in Section 723.120(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter, and

2) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.

BOARD NOTE: Intermediate rail transporters are not required to keep records pursuant to these regulations.

d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.

e) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Director.

Section 723.125 Electronic Manifest Signatures---

a) e-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

b) This subsection (b) corresponds with 40 CFR 263.25(b), a provision that USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal rule.

(Source: Amended at 42 Ill. Reg. 22595, effective November 19, 2018)

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section 723.130 Immediate Action

a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to adequately protect human health and the environment (e.g., notify local authorities, dike the discharge area).

b) If a discharge of hazardous waste occurs during transportation and an official (of state or local government or of a federal agency) acting within the scope of his or her official responsibilities determines that immediate removal of the waste is necessary to adequately protect human health or the environment, that official may authorize the removal of the waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest.

c) An air, rail, highway, or water transporter that has discharged hazardous waste must:

1) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15 (Immediate Notice of Certain Hazardous Materials Incidents), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

2) Report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, as required by 49 CFR 171.16 (Detailed Hazardous Materials Incident Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

3) Give notice to the following State agency:

Illinois Emergency Management Agency
110 East Adams
Springfield, Illinois 62706
217-782-7860

d) A water (bulk shipment) transporter that has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 (Procedure for the Notice of Discharge), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for oil and hazardous substances.

(Source: Amended at 31 Ill. Reg. 881, effective December 20, 2006)

Section 723.131 Discharge Cleanup

A transporter must clean up any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

(Source: Amended at 30 Ill. Reg. 3180, effective February 23, 2006)

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

PART 724
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AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August

4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15347, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9892, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17057, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11384, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

a) This Part establishes minimum standards that define the acceptable management of hazardous waste.

b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

c) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

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

d) This Part applies to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency under Section 12(g) of the Act only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

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

f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.

g) This Part does not apply to the following:

1) The owner or operator of a facility permitted by the Agency under Section 21 of the 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 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.

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

3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, 722.117, or 722.Subpart K or L.

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

5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.

6) 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 to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

8) Immediate Response

A) Except as provided in subsection (g)(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 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 (g)(8)(A) and 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 federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

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

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

11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

A) Batteries, as described in 35 Ill. Adm. Code 733.102;

B) Pesticides, as described in 35 Ill. Adm. Code 733.103;

C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

D) Lamps, as described in 35 Ill. Adm. Code 733.105;

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

F) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.

13) 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.

h) 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.

i) 35 Ill. Adm. Code 726.505 identifies when this Part applies 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.

j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:

1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage.

2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste

according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;

3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

   A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and

   B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;

4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. If a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;

5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;

6) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);

8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;

9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;

10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;

11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10); and

13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

(Source: Amended at 49 Ill. Reg. 11384, effective August 27, 2025)

Section 724.103 Relationship to Interim Status Standards

A facility owner or operator that has fully complied with the requirements for interim status—as defined in Section 3005(e) of RCRA and regulations under Subpart C of 35 Ill. Adm. Code 703—must comply with the regulations specified in 35 Ill. Adm. Code 725 in lieu of the regulations in this Part, until final administrative disposition of his permit application is made, except as provided under Subpart S of this Part.

BOARD NOTE: As stated in Section 21(f) of the Illinois Environmental Protection Act, the treatment, storage, or disposal of hazardous waste is prohibited, except in accordance with a RCRA permit. 35 Ill. Adm. Code 703, Subpart C provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's or operator's permit application.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.104 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 893, effective December 20, 2006)

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.110 Applicability

a) The regulations in this Subpart B apply to owners and operators of all hazardous waste facilities, except as provided in Section 724.101 and subsection (b).

b) Section 724.118(b) applies only to facilities subject to regulation under Subparts I through O and X.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.111 USEPA Identification Number

Every facility owner or operator must apply to the Agency for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12).

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. 5999, May 2, 2019)

Section 724.112 Required Notices

a) The owner or operator of a facility that is arranging to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must submit the following required notices:

1) As required by 35 Ill. Adm. Code 722.184(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, the owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to USEPA using the methods listed in 35 Ill. Adm. Code 722.182(e) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics; the same United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111; the same USEPA hazardous waste numbers (from Subpart C or D of 35 Ill. Adm. Code 721); the waste codes from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and being sent from the same foreign exporter.

2) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), a copy of the movement document with all the required signatures within three working days after receiving the shipment to the foreign exporter and~~;~~ to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste, respectively.~~; and,~~ For shipments received on or after the electronic import-export reporting compliance date, ~~to USEPA electronically using~~ the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the USEPA's Waste Import Export Tracking System (WIETS) or successor system. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking stat, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at least three years. The owner or operator of a facility may meet this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, or its successor system, provided that ~~if~~ copies are readily available for viewing and production upon

request by any USEPA or Agency inspector. An owner or operator of a facility may not be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, or its successor system, for which ~~and~~ the owner or operator of a facility has no responsibility.

3) As required by 35 Ill. Adm. Code 722.184(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, the owner or operator of the facility must inform USEPA, using the methods listed in 35 Ill. Adm. Code 722.184(b)(1) of the need to return or arrange alternate management of the shipment.

4) As required by 35 Ill. Adm. Code 722.184(g), the facility owner or operator must do the following:

A) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the USEPA electronically using WIETS, or its successor system. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export. ~~The owner or operator must send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, within 30 days after completing recovery or disposal on the waste in the shipment and within one calendar year after receiving the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS.~~

B) If the facility performed any of recovery operations R12, R13, or RC3 or disposal operations D13 through D15, the owner or operator must promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery

operations R1 through R11 or RC1 to RC2, or one of disposal operations D1 through D12 or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. On or after the electronic import-export reporting compliance date, the owner or operator must make this submission to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection (a)(4)(B) are defined in 35 Ill. Adm. Code 722.181. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that the owner or operator has the appropriate permits for, and will accept, the waste that the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

c) 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 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: 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 48 Ill. Reg. 17057, effective November 7, 2024)

Section 724.113 General Waste Analysis

a) Analysis

1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1), except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated as follows:

A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and

B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator must develop and follow a written waste analysis plan that describes the procedures that it will carry out to comply with subsection (a). The owner or operator must keep this plan at the facility. At a minimum, the plan must specify the following:

1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a)).

2) The test methods that will be used to test for these parameters.

3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either of the following:

A) One of the sampling methods described in Appendix A to 35 Ill. Adm. Code 721; or

B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), 724.963(d), and 724.983 and 35 Ill. Adm. Code 728.107.

7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for the following:

A) The sampling of impoundment contents;

B) The analysis of test data; and

C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either of the following is true of the waste:

i) The residues do not meet applicable treatment standards of Subpart D of 35 Ill. Adm. Code 728; or

ii) Where no treatment standards have been established, such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139 or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

8) For owners and operators seeking an exemption to the air emission standards of Subpart CC in accordance with Section 724.982, the following information:

A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption.

B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures that will be used to inspect and, if necessary, analyze each shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe the following:

1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;

2) The sampling method that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.114 Security

a) The owner or operator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility, unless the owner or operator demonstrates the following to the Agency:

1) That physical contact with the waste, structures or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock that may enter the active portion of a facility; and

2) That disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this Part.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.

b) Unless the owner or operator has made a successful demonstration under subsections (a)(1) and (a)(2), a facility must have the following:

1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the active portion of the facility; or

2) Physical Barriers

A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and

B) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

BOARD NOTE: The requirements of subsection (b) are satisfied if the facility or plant within which the active portion is located itself has a surveillance system, or a barrier and a means to control entry, that complies with the requirements of subsection (b)(1) or (b)(2).

c) Unless the owner or operator has made a successful demonstration under subsections (a)(1) and (a)(2), a sign with the legend, "Danger—Unauthorized Personnel Keep Out", must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

BOARD NOTE: See Section 724.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.115 General Inspection Requirements

a) The owner or operator must conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator must inspect the facility for malfunctions and deterioration, operator errors, and discharges that may be causing or may lead to either of the following:

1) Release of hazardous waste constituents to the environment; or

2) A threat to human health.

b) Inspection Schedule

1) The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

2) The owner or operator must keep this schedule at the facility.

3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, 724.958, and 724.983 through 724.990, where applicable. 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency must evaluate the schedule, along with the rest of the application, to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

c) The owner or operator must remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard.

Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator must record inspections in an inspection log or summary. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 48 Ill. Reg. 17057, effective November 7, 2024)

Section 724.116 Personnel Training

a) The Personnel Training Program

1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The owner or operator must ensure that this program includes all the elements described in the document required under subsection (d)(3).

BOARD NOTE: 35 Ill. Adm. Code 703 requires that owners and operators submit with Part B of the RCRA permit application, an outline of the training program used (or to be used) at the facility and a brief description of how the training program is designed to meet actual jobs tasks.

2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:

A) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

B) Key parameters for automatic waste feed cut-off systems;

C) Communications or alarm systems;

D) Response to fires or explosions;

E) Response to groundwater contamination incidents; and

F) Shutdown of operations.

4) For facility employees that have receive emergency response training pursuant to the federal Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.120(p)(8) and (q), the facility is not required to provide separate emergency response training pursuant to this Section, provided that the overall facility OSHA emergency response training meets all the requirements of this Section.

b) Facility personnel must successfully complete the program required in subsection (a) within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of subsection (a).

c) Facility personnel must take part in an annual review of the initial training required in subsection (a).

d) The owner or operator must maintain the following documents and records at the facility:

1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

2) A written job description for each position listed under subsection (d)(1). This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;

3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (d)(1);

4) Records that document that the training or job experience required under subsections (a), (b), and (c) has been given to, and completed by, facility personnel.

e) Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes

a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

b) Where specifically required by this Part, the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste, or mixes incompatible waste and other materials, must take precautions to prevent reactions that do the following:

1) Generate extreme heat or pressure, fire or explosions, or violent reactions;

2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;

3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

4) Damage the structural integrity of the device or facility;

5) Through other like means threaten human health or the environment.

c) When required to comply with subsection (a) or (b), the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses (as specified in Section 724.113), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

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 that has had displacement in Holocene time.

2) As used in subsection (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 that are located in political jurisdictions other than those listed in appendix VI to 40 CFR 264 (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), incorporated by reference in 35 Ill. Adm. Code 720.111(b), 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 the following to the Agency's satisfaction:

A) That procedures are in effect that 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

B) For existing surface impoundments, waste piles, land treatment units, landfills and miscellaneous units, that no adverse effect on human health or the environment will result if washout occurs, considering the following:

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 subsection (b)(1):

A) "100-year floodplain" means any land area that 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: Requirements pertaining to other federal laws that affect the location and permitting of facilities are found in 40 CFR 270.3. For details relative to these laws, see USEPA's manual for SEA (special environmental area) requirements for hazardous waste facility permits. Though USEPA 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 on a permit or certification that a facility is flood-proofed.

c) Salt dome formations, salt bed formations, underground mines and caves. The placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground cave or mine is prohibited.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.119 Construction Quality Assurance Program

a) Construction Quality Assurance (CQA) Program

1) A CQA program is required for all surface impoundment, waste pile and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.

2) The CQA program must address the following physical components, where applicable:

A) Foundations;

B) Dikes;

C) Low-permeability soil liners;

D) Geomembranes (flexible membrane liners);

E) Leachate collection and removal systems and leak detection systems; and

F) Final cover systems.

b) Written CQA Plan. The owner or operator of units subject to the CQA program under subsection (a) must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include the following:

1) Identification of applicable units, and a description of how they will be constructed.

2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.

3) A description of inspection and sampling activities for all unit components identified in subsection (a)(2), including observations and tests that will be used before, during and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under Section 724.173.

c) Contents of Program

1) The CQA program must include observations, inspections, tests and measurements sufficient to ensure the following:

A) Structural stability and integrity of all components of the unit identified in subsection (a)(2);

B) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices and proper installation of all components (e.g., pipes) according to design specifications;

C) Conformity of all materials used with design and other material specifications under Sections 724.321, 724.351, and 724.401.

2) The CQA program must include test fills for compacted soil liners, using the same compaction methods as in the full scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of Sections 724.321(c)(1)(A)(ii), 724.351(c)(1)(A)(ii), or 724.401(c)(1)(A)(ii) in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The Agency must accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of Sections 724.321(c)(1)(A)(ii), 724.351(c)(1)(A)(ii), or 724.401(c)(1)(A)(ii) in the field.

d) Certification. Waste must not be received in a unit subject to Section 724.119 until the owner or operator has submitted to the Agency by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out and that the unit meets the requirements of Sections 724.321(c) or (d), 724.351(c) or (d), or 724.401(c) or (d); and the procedure in 35 Ill. Adm. Code 703.247(b) has been completed. Documentation supporting the CQA officer's certification must be furnished to the Agency upon request.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART C: PREPAREDNESS AND PREVENTION

Section 724.130 Applicability

The regulations in this Subpart C apply to owners and operators of a11 hazardous waste management facilities, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.131 Design and Operation of Facility

Facilities must be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or

hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.132 Required Equipment

All facilities must be equipped with the following, unless the owner or operator demonstrates to the Agency that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers or water spray systems.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.133 Testing and Maintenance of Equipment

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.134 Access to Communications or Alarm System

a) Whenever hazardous waste is being poured, mixed, spread or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the permit specifies that such a device is not required under Section 724.132.

b) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the permit specifies that such a device is not required under Section 724.132.

Section 724.135 Required Aisle Space

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless the owner or operator demonstrates to the Agency that aisle space is not needed for any of these purposes.

BOARD NOTE: 35 Ill. Adm. Code 703 requires that an owner or operator who wishes to make the demonstration referred to above must do so with Part B of the permit application.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.137 Arrangements with Local Authorities

a) The owner or operator must attempt to make the following arrangements as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations:

1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

3) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions or releases at the facility.

b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.150 Applicability

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

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.151 Purpose and Implementation of Contingency Plan

a) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

b) The provisions of this plan must be carried out immediately whenever there is a fire, explosion or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.152 Content of Contingency Plan

a) The contingency plan must describe the actions facility personnel must take to comply with Sections 724.151 and 724.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

b) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with federal 40 CFR 112, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part. The owner or operator may develop one contingency plan that meets all regulatory requirements. USEPA has recommended that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (One Plan). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

BOARD NOTE: The federal One Plan guidance appeared in the Federal Register at 61 Fed. Reg. 28642 (June 5, 1996), and was corrected at 61 Fed. Reg. 31103 (June 19, 1996). USEPA, Office of Resource Conservation and Recovery,

Chemical Emergency Preparedness and Prevention Office, has made these documents available on-line for examination and download at www.epa.gov/emergencies (search for "one plan" or "integrated contingency plan" documents).

c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services pursuant to Section 724.137.

d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 724.155), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the Agency at the time of certification, rather than at the time of permit application.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes and alternative evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Source: Amended at 35 Ill. Reg. 17965, effective October 14, 2011)

Section 724.153 Copies of Contingency Plan

A copy of the contingency plan and all revisions to the plan must be:

a) Maintained at the facility; and

b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

BOARD NOTE: The contingency plan must be submitted to the Agency with Part B of the permit application under 35 Ill. Adm. Code 702 and 703, and, after modification or approval, the plan will become a condition of any permit issued.

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.154 Amendment of Contingency Plan

The contingency plan must be reviewed, and immediately amended, if necessary, when any of the following occurs:

a) The facility permit is revised;

b) The plan fails in an emergency;

c) The facility changes—in its design, construction, operation, maintenance or other circumstances—in a way that materially increases the potential for fires, explosions or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

(Source: Amended at 33 Ill. Reg. 1106, effective December 30, 2008)

Section 724.155 Emergency Coordinator

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: The emergency coordinator's responsibilities are more fully spelled out in Section 724.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of wastes handled by the facility, and type and complexity of the facility.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.156 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately do the following:

1) He or she must activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

2) He or she must notify appropriate State or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, the emergency coordinator must report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following:

A) The name and telephone number of the reporter;

B) The name and address of the facility;

C) The time and type of incident (e.g., release, fire);

D) The name and quantity of materials involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health or the environment outside the facility.

e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d) or (e), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 724.

h) The emergency coordinator must ensure that the following is true in the affected areas of the facility:

1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator must submit a written report on the incident to the Agency. The report must include the following:

1) The name, address, and telephone number of the owner or operator;

2) The name, address, and telephone number of the facility;

3) The date, time, and type of incident (e.g., fire, explosion);

4) The name and quantity of materials involved;

5) The extent of injuries, if any;

6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

7) The estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.170 Applicability

The regulations in this Subpart E apply to owners and operators of both on-site and off-site facilities, except as Section 724.101 provides otherwise. Sections 724.171, 724.172, and 724.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a). Section 724.173(b) only applies to permittees that treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

(Source: Amended at 35 Ill. Reg. 17965, effective October 14, 2011)

Section 724.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date, by hand, each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in Section 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) This subsection (D) corresponds with 40 CFR 264.71(a)(2)(iv), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.~~The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;~~

E) Paper manifest submission requirements are the following:

i) This subsection (E) corresponds with 40 CFR 264.71(a)(2)(v), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.~~The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing, or in lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and~~

ii) Options for compliance on June 30, 2021. Send to the USEPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet, or send to the USEPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date; of delivery; and ~~Options for Compliance on June 30, 2021. Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System~~

~~must be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and~~

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility receiving hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must do the following:

A) List the relevant waste stream consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (USEPA Form 8700-22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional Continuation Sheet(s)~~Sheets~~ (USEPA Form 8700–22A); and

B) Send a copy of the manifest within 30 days of delivery to ~~USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) until the facility can submit such a copy to~~ the USEPA e-Manifest system per subsection (a)(2)(E).

b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or the owner or operator's agent, must do the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies (as defined in Section 724.172(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The Board does not intend that the owner or operator of a facility whose procedures under Section 724.113(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 724.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) Within 30 days of delivery, send a copy (Page 1) of the signed and dated manifest to the USEPA e-Manifest system; and~~The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and~~

~~BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).~~

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to owners or operators that are shipping hazardous waste that they generated at that facility or operating as a large quantity generator consolidating hazardous waste from a VSQG under 35 Ill. Adm. Code 722.117(f).

d) International movement documents. As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and competent authorities of all the countries of export and transit that control the shipment as an export or transit of hazardous waste. For shipments received- on~~On~~ or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using ~~to~~ USEPA's WIETS or its successor system~~ electronically using USEPA's WIETS~~. For shipments sent from a country with which USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any

USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for Electronic Manifest Submissions

1) As prescribed in 40 CFR 264.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 264.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a

user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 264.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 264.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 264.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 264.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified ~~to the receipt of hazardous wastes by signing Item 20 of the manifest~~ that the manifest is complete, by signing it at the time of submission to the USEPA e-Manifest system, any post-receipt stat corrections may be submitted at any time by any interested person(e.g., waste handler) named on the manifest. ~~any interested person (i.e., any waste handler shown on the manifest or the Agency) may submit any post-receipt data corrections at any time.~~ If corrections are requested by the Agency for portions of the manifest that a designated facility is required to complete, the facility must make the data correction within 30 days from the date of the request.

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

B) The item numbers of the original manifest that is the subject of the submitted corrections; and

C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

A) The person must execute the certification statement with a valid electronic signature; and

B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (l)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. 15347, effective September 3, 2020)

Section 724.172 Manifest Discrepancies

a) "Manifest discrepancies" are defined as any one of the following:

1) Significant differences (as defined by subsection (b) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;

2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept; or

3) Container residues, which are residues that exceed the quantity limits for empty containers in 35 Ill. Adm. Code 721.107(b) and 726.607.

b) "Significant differences in quantity" are defined as the appropriate of the following: for bulk waste, variations greater than 10 percent in weight; or, for batch waste, any variation in piece count, like a discrepancy of one drum in a truckload. "Significant differences in type" are defined as obvious differences that can be discovered by inspection or waste analysis, like waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (*e.g.,* with telephone conversations). If the discrepancy is not resolved within 2015 days after receiving the waste, the owner or operator must: ~~immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~

1) Immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

2) Beginning December 1 2025, immediately submit a Discrepancy report to the USEPA e-manifest system describing the discrepancy and attempt to reconcile it, and a copy of the e-manifest or shipping paper at issue. Beginning on December 1, 2025, the USEPA will no longer accept mailed paper Discrepancy Reports from facilities.

d) Rejection of Hazardous Waste

1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for empty containers in 35 Ill. Adm. Code 721.107(b), the facility owner or operator must consult with the generator before sending the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility owner or operator may return the rejected waste or residue to the generator. The facility owner or operator must send the waste to the alternative facility or to the generator within 60 days after the rejection or the container residue identification.

2) While the facility owner or operator is making arrangements to send rejected wastes or residues to another facility under this Section, it must ensure that either the delivering transporter retains custody of the waste, or the facility owner or operator must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under subsection (e) or (f).

e) Except as provided in subsection (e)(7), for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility owner or operator is required to prepare a new manifest complying with 35 Ill. Adm. Code 722.120(a) and the instructions in subsections (e)(1) through (e)(6):

1) The facility owner or operator must write the generator's USEPA identification number in Item 1 of the new manifest. The facility owner or operator must write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's

site address, then the facility owner or operator must write the generator's site address in the designated space in Item 5.

2) The facility owner or operator must write the name of the alternate designated facility and the facility's USEPA identification number in the designated facility block (Item 8) of the new manifest.

3) The facility owner or operator must copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

4) The facility owner or operator must copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

5) The facility owner or operator must write the USDOT description for the rejected load or the residue in Item 9 (USDOT Description) of the new manifest and write the container types, quantity, and volumes of waste.

6) The facility owner or operator must sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

7) For full load rejections that are made while the transporter remains present at the facility, the facility owner or operator may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility owner or operator must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility owner or operator must use a new manifest and comply with subsections (e)(1) through (e)(6).

f) Except as provided in subsection (f)(7), for rejected wastes and residues that must be sent back to the generator, the facility owner or operator is required to prepare a new manifest complying with 35 Ill. Adm. Code 722.120(a) and the instructions in subsections (f)(1) through (f)(6) and (f)(8):

1) The facility owner or operator must write the facility's USEPA identification number in Item 1 of the new manifest. The facility owner or operator must write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site

address, then the facility owner or operator must write the facility's site address in the designated space for Item 5 of the new manifest.

2) The facility owner or operator must write the name of the initial generator and the generator's USEPA identification number in the designated facility block (Item 8) of the new manifest.

3) The facility owner or operator must copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

4) The facility owner or operator must copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

5) The facility owner or operator must write the USDOT description for the rejected load or the residue in Item 9 (USDOT Description) of the new manifest and write the container types, quantity, and volumes of waste.

6) The facility owner or operator must sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

7) For full load rejections that are made while the transporter remains at the facility, the facility owner or operator may return the shipment to the generator with the original manifest by completing Item 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility owner or operator must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility owner or operator must use a new manifest and comply with subsections (f)(1) through (f)(6) and (f)(8).

8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility owner or operator must also comply with the exception reporting requirements in 35 Ill. Adm. Code 722.142(a).

g) If a facility owner or operator rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers in 35 Ill. Adm. Code 721.107(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility owner or operator must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility owner or operator must also copy the

manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and must re-sign and date the manifest to certify to the information as amended. The facility owner or operator must retain the amended manifest for at least three years from the date of amendment, and must, within 30 days, send a copy of the amended manifest to the transporter ~~and generator~~ that received copies before being amended. Facilities are not required to send the amended manifest to any transporter who is registered in the USEPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the USEPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

(Source: Amended at 48 Ill. Reg. 17057, effective November 7, 2024)

Section 724.173 Operating Record

a) The owner or operator must keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record for three years unless otherwise provided as follows:

1) A description and the quantity of each hazardous waste received and the methods and dates of its treatment, storage, or disposal at the facility, as required by Appendix A. This information must be maintained in the operating record until closure of the facility;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram that shows each cell or disposal area. For all facilities, this information must include cross-references to manifest document numbers, if the waste was accompanied by a manifest. This information must be maintained in the operating record until closure of the facility;

BOARD NOTE: See Section 724.219 for related requirements.

3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);

5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);

6) Monitoring, testing, or analytical data and corrective action data where required by Subpart F or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, and 724.982 through 724.990. Maintain in the operating record for three years, except for records and results pertaining to groundwater monitoring and cleanup, which must be maintained in the operating record until closure of the facility;

7) For off-site facilities, notices to generators as specified in Section 724.112(b);

8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure care cost estimates under Section 724.244. This information must be maintained in the operating record until closure of the facility;

9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;

10) Records of the quantities and date of placement for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator pursuant to 35 Ill. Adm. Code 728.107(a). This information must be maintained in the operating record until closure of the facility;

11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or

the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable;

14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;

15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

17) Any records required under Section 724.101(j)(13);

18) Monitoring, testing, or analytical data where required by Section 724.447 must be maintained in the operating record for five years; and

19) Certifications, as required by Section 724.296(f), must be maintained in the operating record until closure of the facility.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.174 Availability, Retention, and Disposition of Records

a) All records, including plans, required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by authorized representatives of the Agency.

b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested in writing by the Agency.

c) A copy of records of waste disposal locations and quantities under Section 724.173(b)(2) must be submitted to the Agency and to the County Recorder upon closure of the facility.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.175 Annual Facility Activities Report

The owner or operator must complete and submit USEPA Form 8700–13 A/B to the Agency by March 1 of each year and must cover activities during the previous year.

BOARD NOTE: Corresponding 40 CFR 264.75 requires biennial reporting. The Board has required annual reporting, since Section 20.1 of the Act requires the Agency to assemble annual reports, and only annual facility activities reports will enable the Agency to fulfill this mandate.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.176 Unmanifested Waste Report

a) 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 by 35 Ill. Adm. Code 723.120(e), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 260 through 265, then the owner or operator must prepare and submit a letter to the Agency within 15 days after receiving the waste. The unmanifested waste report must contain the following information:

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

2) The date the facility received the waste;

3) The USEPA identification number, name, and address of the generator and the transporter, if available;

4) A description and the quantity of each unmanifested hazardous waste the facility received;

5) The method of treatment, storage, or disposal for each hazardous waste;

6) The certification signed by the owner or operator of the facility or its authorized representative; and

7) A brief explanation of why the waste was unmanifested, if known.

b) Beginning on December 1, 2025, 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 by Section 723.120(e), and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the USEPA e-Manifest system for submission to the USEPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information: ~~This subsection (b) corresponds with 40 CFR 264.76(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.~~

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

2) The date the facility received the waste;

3) The USEPA identification number, name and address of the generator and the transporter, if available;

4) A description and the quantity of each unmanifested hazardous waste the facility received;

5) The method of treatment, storage, or disposal for each hazardous waste;

6) The certification signed by the owner or operator of the facility or his authorized representative; and

7) 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, USEPA has suggested that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, USEPA has suggested that the owner or operator file an unmanifested waste report for the hazardous waste movement.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

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);

b) Facility closures specified in Section 724.215; and

c) As otherwise required by Subparts F, K through N, AA, BB, and CC of this Part.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.190 Applicability

a) Types of Units

1) Except as provided in subsection (b), the regulations in this Subpart F apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.

2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit, or landfill that receives hazardous waste after July 26, 1982 (referred to in this Subpart F as a "regulated unit") must comply with Sections 724.191 through 724.200, in lieu of Section 724.201, for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.

b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart F if the following is true:

1) The owner or operator is exempted pursuant to Section 724.101; or

2) The owner or operator operates a unit that the Agency finds:

A) Is an engineered structure.

B) Does not receive or contain liquid waste or waste containing free liquids.

C) Is designed and operated to exclude liquid, precipitation, and other run-on and run-off.

D) Has both inner and outer layers of containment enclosing the waste.

E) Has a leak detection system built into each containment layer.

F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods.

G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or

3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain

levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption pursuant to this subsection (b) can only relieve an owner or operator of responsibility to meet the requirements of this Subpart F during the post-closure care period; or

4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified pursuant to Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made pursuant to this subsection (b) on assumptions that maximize the rate of liquid migration; or

5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).

c) The regulations under this Subpart F apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart F:

1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;

2) Apply during the post-closure care period pursuant to Section 724.217 if the owner or operator is conducting a detection monitoring program pursuant to Section 724.198; or

3) Apply during the compliance period pursuant to Section 724.196 if the owner or operator is conducting a compliance monitoring program pursuant to Section 724.199 or a corrective action program pursuant to Section 724.200.

d) This Subpart F applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.

e) The regulations of this Subpart F apply to all owners and operators subject to 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to a

facility, a reference in this Subpart F to "in the permit" must mean "in the enforceable document".

f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided pursuant to 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will adequately protect human health and the environment.

(Source: Amended at 43 Ill. Reg. 5999, May 2, 2019)

Section 724.191 Required Programs

a) Owners and operators subject to this Subpart F must conduct a monitoring and response program as follows:

1) Whenever hazardous constituents pursuant to Section 724.193 from a regulated unit are detected at a compliance point pursuant to Section 724.195, the owner or operator must institute a compliance monitoring program pursuant to Section 724.199. "Detected" is defined as statistically significant evidence of contamination, as described in Section 724.198(f).

2) Whenever the groundwater protection standard pursuant to Section 724.192 is exceeded, the owner or operator must institute a corrective action program pursuant to Section 724.200. "Exceeded" is defined as statistically significant evidence of increased contamination, as described in Section 724.199(d).

3) Whenever hazardous constituents pursuant to Section 724.193 from a regulated unit exceed concentration limits pursuant to Section 724.194 in groundwater between the compliance point pursuant to Section 724.195 and the downgradient facility property boundary, the owner or operator must institute a corrective action program pursuant to Section 724.200; or

4) In all other cases, the owner or operator must institute a detection monitoring program pursuant to Section 724.198.

b) The Agency must specify in the facility permit the specific elements of the monitoring and response program. The Agency may include one or more of the programs identified in subsection (a) in the facility permit as may be necessary to adequately protect human health and the environment and must specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the Agency must consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.192 Groundwater Protection Standard

The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under Section 724.193 detected in the groundwater from a regulated unit do not exceed the concentration limits under Section 724.194 in the uppermost aquifer underlying the waste management area beyond the point of compliance under Section 724.195 during the compliance period under Section 724.196. The Agency must establish this groundwater protection standard in the facility permit when hazardous constituents have been detected in the groundwater.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.193 Hazardous Constituents

a) The Agency must specify in the facility permit the hazardous constituents to which the groundwater protection standard of Section 724.192 applies. Hazardous constituents are constituents identified in Appendix H of 35 Ill. Adm. Code 721 that have been detected in groundwater in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the Agency has excluded them under subsection (b).

b) The Agency must exclude a constituent in Appendix H of 35 Ill. Adm. Code 721 from the list of hazardous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the Agency must consider the following:

1) Potential adverse effects on groundwater quality, considering the following:

A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity of groundwater and the direction of groundwater flow;

D) The proximity and withdrawal rates of groundwater users;

E) The current and future uses of groundwater in the area;

F) The existing quality of groundwater, including other sources of contamination, and their cumulative impact on the groundwater quality;

G) The potential for health risks caused by human exposure to waste constituents;

H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

I) The persistence and permanence of the potential adverse effects; and

2) Potential adverse effects on hydraulically-connected surface water quality, considering the following:

A) The volume and physical and chemical characteristics of the waste in the regulated unit;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity and quality of groundwater and the direction of groundwater flow;

D) The patterns of rainfall in the region;

E) The proximity of the regulated unit to surface waters;

F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

G) The existing quality of surface water, including other sources of contamination, and the cumulative impact on surface water quality;

H) The potential for health risks caused by human exposure to waste constituents;

I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

J) The persistence and permanence of the potential adverse effects.

c) In making any determination under subsection (b) about the use of groundwater in the area around the facility, the Agency must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency must make specific written findings in granting any exemptions under subsection (b).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.194 Concentration Limits

a) The Agency must specify in the facility permit concentration limits in the groundwater for hazardous constituents established under Section 724.193. The following must be true of the concentration of a hazardous constituent:

1) It must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or

2) For any of the constituents listed in Table 1, it must not exceed the respective value given in that Table if the background level of the constituent is below the value given in Table 1; or

3) It must not exceed an alternative limit established by the Agency under subsection (b).

TABLE 1—MAXIMUM CONCENTRATION OF CONSTITUENTS FOR GROUNDWATER PROTECTION

Constituent	Maximum Concentration (mg/ℓ)
Arsenic (CAS No. 7440-38-2)	0.05
Barium (CAS No. 7440-39-3)	1.0

Cadmium (CAS No. 7440-43-9)	0.01
Chromium (CAS No. 7440-47-3)	0.05
Lead (CAS No. 7439-92-1)	0.05
Mercury (CAS No. 7439-97-6)	0.002
Selenium (CAS No. 7782-49-2)	0.01
Silver (CAS No. 7440-22-4)	0.05
Endrin (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) (CAS No. 72-20-8)	0.0002
Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer) (CAS No. 58-89-9)	0.004
Methoxychlor (1,1,1-Trichloro-2,2-bis(p-methoxy-phenyl)ethane) (CAS No. 72-43-5)	0.1
Toxaphene ($C_{10}H_{10}Cl_6$, Technical chlorinated camphene, 67-69 percent chlorine) (CAS No. 8001-35-2)	0.005
2,4-D (2,4-Dichlorophenoxyacetic acid) (CAS No. 94-75-7)	0.1
2,4,5-TP (Silvex) (2,4,5-Trichlorophenoxypropionic acid) (CAS No. 93-72-1)	0.01

b) The Agency must establish an alternative concentration limit for a hazardous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternative concentration limit is not exceeded. In establishing alternate concentration limits, the Agency must consider the following factors:

1) Potential adverse effects on groundwater quality, considering the following:

A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity of groundwater and the direction of groundwater flow;

D) The proximity and withdrawal rates of groundwater users;

E) The current and future uses of groundwater in the area;

F) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

G) The potential for health risks caused by human exposure to waste constituents;

H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

I) The persistence and permanence of the potential adverse effects; and

2) Potential adverse effects on hydraulically-connected surface-water quality, considering the following:

A) The volume and physical and chemical characteristics of the waste in the regulated unit;

B) The hydrogeological characteristics of the facility and surrounding land;

C) The quantity and quality of groundwater and the direction of groundwater flow;

D) The patterns of rainfall in the region;

E) The proximity of the regulated unit to surface waters;

F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality;

H) The potential for health risks caused by human exposure to waste constituents;

I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

J) The persistence and permanence of the potential adverse effects.

c) In making any determination under subsection (b) about the use of groundwater in the area around the facility, the Agency must consider any identification of underground sources of drinking water and exempted aquifers made under 35 Ill. Adm. Code 704.123.

d) The Agency must make specific written findings in setting any alternate concentration limits under subsection (b).

(Source: Amended at 40 Ill. Reg. 11726, effective August 9, 2016)

Section 724.195 Point of Compliance

a) The Agency must specify in the facility permit the point of compliance at which the groundwater protection standard of Section 724.192 applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically downgradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units.

b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit.

1) The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit.

2) If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.196 Compliance Period

a) The Agency must specify in the facility permit the compliance period during which the groundwater protection standard of Section 724.192 applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period.)

b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of Section 724.199.

c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in subsection (a), the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.197 General Groundwater Monitoring Requirements

The owner or operator must comply with the following requirements for any groundwater monitoring program developed to satisfy Section 724.198, 724.199, or 724.200.

a) The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that fulfill the following requirements:

1) They represent the quality of background groundwater that has not been affected by leakage from a regulated unit. A determination of background groundwater quality may include sampling of wells that are not hydraulically upgradient from the waste management area where the following is true:

A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are upgradient; or

B) Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells;

2) They represent the quality of groundwater passing the point of compliance; and

3) They allow for the detection of contamination when hazardous waste or hazardous constituents have migrated from the hazardous waste management area to the uppermost aquifer.

b) If a facility contains more than one regulated unit, separate groundwater monitoring systems are not required for each regulated unit provided that provisions for sampling the groundwater in the uppermost aquifer will enable detection and measurement at the compliance point of hazardous constituents from the regulated units that have entered the groundwater in the uppermost aquifer.

c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater.

d) The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide a reliable indication of groundwater quality below the waste management area. At a minimum the program must include procedures and techniques for the following:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

e) The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents in groundwater samples.

f) The groundwater monitoring program must include a determination of the groundwater surface elevation each time groundwater is sampled.

g) In detection monitoring or where appropriate in compliance monitoring, data on each hazardous constituent specified in the permit will be collected from background wells and wells at the compliance points. The number and kinds of samples collected to establish background must be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size must be as large as necessary to ensure with reasonable confidence that a contaminant release to groundwater from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit that must be specified in the unit permit upon approval by the Agency. This sampling procedure must fulfill the following requirements:

1) It may be a sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

2) It may be an alternate sampling procedure proposed by the owner or operator and approved by the Agency.

h) The owner or operator must specify one of the following statistical methods to be used in evaluating groundwater monitoring data for each hazardous constituent that, upon approval by the Agency, will be specified in the unit permit. The statistical test chosen must be conducted separately for each hazardous constituent

in each well. Where practical quantification limits (pqls) are used in any of the following statistical procedures to comply with subsection (i)(5), the pql must be proposed by the owner or operator and approved by the Agency. Use of any of the following statistical methods must adequately protect human health and the environment and must comply with the performance standards outlined in subsection (i).

1) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

2) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

3) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

4) A control chart approach that gives control limits for each constituent.

5) Another statistical test method submitted by the owner or operator and approved by the Agency.

i) Any statistical method chosen pursuant to subsection (h) for specification in the unit permit must comply with the following performance standards, as appropriate:

1) The statistical method used to evaluate groundwater monitoring data must be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

2) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I

experimentwise error rate for each testing period must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals or control charts.

3) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter value must be proposed by the owner or operator and approved by the Agency if the Agency finds it to adequately protect human health and the environment.

4) If a tolerance interval or a prediction interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, must be proposed by the owner or operator and approved by the Agency if the Agency finds these parameters to adequately protect human health and the environment. These parameters will be determined after considering the number of samples in the background database, the data distribution, and the range of the concentration values for each constituent of concern.

5) The statistical method must account for data below the limit of detection with one or more statistical procedures that adequately protect human health and the environment. Any practical quantification limit (pql) approved by the Agency pursuant to subsection (h) that is used in the statistical method must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

6) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability, as well as temporal correlation in the data.

j) Groundwater monitoring data collected in accordance with subsection (g), including actual levels of constituents, must be maintained in the facility operating record. The Agency must specify in the permit when the data must be submitted for review.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.198 Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this Subpart F must, at a minimum, discharge the following responsibilities:

a) The owner or operator must monitor for indicator parameters (e.g., specific conductance, total organic carbon, or total organic halogen), waste constituents or

reaction products that provide a reliable indication of the presence of hazardous constituents in groundwater. The Agency must specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

1) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

2) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

3) The detectability of indicator parameters, waste constituents, and reaction products in groundwater; and

4) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the groundwater background.

b) The owner or operator must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Sections 724.197(a)(2), 724.197(b), and 724.197(c).

c) The owner or operator must conduct a groundwater monitoring program for each chemical parameter and hazardous constituent specified in the permit pursuant to subsection (a) in accordance with Section 724.197(g). The owner or operator must maintain a record of groundwater analytical data, as measured and in a form necessary for the determination of statistical significance under Section 724.197(h).

d) The Agency must specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or hazardous constituent specified in the permit conditions under subsection (a) in accordance with Section 724.197(g).

e) The owner or operator must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter or hazardous constituent specified in the permit pursuant to subsection (a) at a frequency specified under subsection (d).

1) In determining whether statistically significant evidence of contamination exists, the owner or operator must use the methods specified in the permit

under Section 724.197(h). These methods must compare data collected at the compliance points to the background groundwater quality data.

2) The owner or operator must determine whether there is statistically significant evidence of contamination at each monitoring well at the compliance point within a reasonable period of time after completion of sampling. The Agency must specify in the facility permit what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

g) If the owner or operator determines pursuant to subsection (f) that there is statistically significant evidence of contamination for chemical parameters or hazardous constituents specified pursuant to subsection (a) at any monitoring well at the compliance point, the owner or operator must do the following:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what chemical parameters or hazardous constituents have shown statistically significant evidence of contamination.

2) Immediately sample the groundwater in all monitoring wells and determine whether constituents in the list of Appendix I are present, and if so, in what concentration. However, the Agency must allow sampling for a site-specific subset of constituents from the Appendix I list and for other representative or related waste constituents if it determines that sampling for that site-specific subset of contaminants and other constituents is more economical and equally effective for determining whether groundwater contamination has occurred.

3) For any compounds in Appendix I found in the analysis pursuant to subsection (g)(2), the owner or operator may resample within one month or at an alternative site-specific schedule approved by the Agency and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds set forth in subsection (g)(2), the hazardous constituents found during this initial Appendix I analysis will form the basis for compliance monitoring.

4) Within 90 days, submit to the Agency an application for a permit modification to establish a compliance monitoring program meeting the requirements of Section 724.199. The application must include the following information:

A) An identification of the concentration of any constituent in Appendix I detected in the groundwater at each monitoring well at the compliance point;

B) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of Section 724.199;

C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of Section 724.199;

D) For each hazardous constituent detected at the compliance point, a proposed concentration limit under Section 724.194(a)(1) or (a)(2), or a notice of intent to seek an alternate concentration limit under Section 724.194(b).

5) Within 180 days, submit the following to the Agency:

A) All data necessary to justify an alternate concentration limit sought under Section 724.194(b); and

B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of Section 724.200, unless the following is true:

i) All hazardous constituents identified under subsection (g)(2) are listed in Table 1 of Section 724.194 and their concentrations do not exceed the respective values given in that table; or

ii) The owner or operator has sought an alternate concentration limit under Section 724.194(b) for every hazardous constituent identified under subsection (g)(2).

6) If the owner or operator determines, pursuant to subsection (f), that there is a statistically significant difference for chemical parameters or hazardous constituents specified pursuant to subsection (a) at any monitoring well at the compliance point, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis or statistical evaluation, or natural variation in the groundwater. The owner or operator may make a demonstration under this subsection (g) in addition to, or in lieu of, submitting a permit modification application under subsection (g)(4); however, the owner or operator is not relieved of the requirement to submit a permit modification

application within the time specified in subsection (g)(4) unless the demonstration made under this subsection (g) successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection (g), the owner or operator must do the following:

A) Notify the Agency in writing, within seven days of determining statistically significant evidence of contamination at the compliance point, that the owner or operator intends to make a demonstration under this subsection (g);

B) Within 90 days, submit a report to the Agency that demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

C) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

D) Continue to monitor in accordance with the detection monitoring program established under this Section.

h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this Section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.199 Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Subpart F must, at a minimum, discharge the following responsibilities:

a) The owner or operator must monitor the groundwater to determine whether regulated units are in compliance with the groundwater protection standard under Section 724.192. The Agency must specify the groundwater protection standard in the facility permit, including the following:

1) A list of the hazardous constituents identified under Section 724.193;

2) Concentration limits under Section 724.194 for each of those hazardous constituents;

3) The compliance point under Section 724.195; and

4) The compliance period under Section 724.196.

b) The owner or operator must install a groundwater monitoring system at the compliance point as specified under Section 724.195. The groundwater monitoring system must comply with Section 724.197(a)(2), 724.197(b), and 724.197(c).

c) The Agency must specify the sampling procedures and statistical methods appropriate for the constituents and facility, consistent with Section 724.197(g) and (h).

1) The owner or operator must conduct a sampling program for each chemical parameter or hazardous constituent in accordance with Section 724.197(g).

2) The owner or operator must record groundwater analytical data as measured and in a form necessary for the determination of statistical significance under Section 724.197(h) for the compliance period of the facility.

d) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or hazardous constituent specified in the permit, pursuant to subsection (a), at a frequency specified under subsection (f).

1) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the methods specified in the permit under Section 724.197(h). The methods must compare data collected at the compliance points to a concentration limit developed in accordance with Section 724.194.

2) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of the sampling. The Agency must specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of groundwater samples.

e) The owner or operator must determine the groundwater flow rate and direction in the uppermost aquifer at least annually.

f) The Agency must specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with Section 724.197(g).

g) The owner or operator must annually determine whether additional hazardous constituents from Appendix I, which could possibly be present but are not on the detection monitoring list in the permit, are actually present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in Section 724.198(f). To accomplish this, the owner or operator must consult with the Agency to determine the following on a case-by-case basis: which sample collection event during the year will involve enhanced sampling; the number of monitoring wells at the compliance point to undergo enhanced sampling; the number of samples to be collected from each of these monitoring wells; and, the specific constituents from Appendix I for which these samples must be analyzed. If the enhanced sampling event indicates that Appendix I constituents are present in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the Agency, and repeat the analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the Agency within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then it must report the concentrations of these additional constituents to the Agency within seven days after completion of the initial analysis, and add them to the monitoring list.

h) If the owner or operator determines, pursuant to subsection (d) that any concentration limits under Section 724.194 are being exceeded at any monitoring well at the point of compliance, the owner or operator must do the following:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded.

2) Submit to the Agency an application for a permit modification to establish a corrective action program meeting the requirements of Section 724.200 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the Agency under Section 724.198(g)(5). The application must at a minimum include the following information:

A) A detailed description of corrective actions that will achieve compliance with the groundwater protection standard specified in the permit under subsection (a); and

B) A plan for a groundwater monitoring program that will demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance

monitoring program developed to meet the requirements of this Section.

i) If the owner or operator determines, pursuant to subsection (d), that the groundwater concentration limits under this Section are being exceeded at any monitoring well at the point of compliance, the owner or operator may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation, or natural variation in groundwater. In making a demonstration under this subsection (i), the owner or operator must do the following:

1) Notify the Agency in writing within seven days that it intends to make a demonstration under this subsection (i);

2) Within 90 days, submit a report to the Agency that demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

4) Continue to monitor in accord with the compliance monitoring program established under this Section.

j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.200 Corrective Action Program

An owner or operator required to establish a corrective action program pursuant to this Subpart F must, at a minimum, discharge the following responsibilities:

a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the groundwater protection standard pursuant to Section 724.192. The Agency must specify the groundwater protection standard in the facility permit, including the following:

1) A list of the hazardous constituents identified pursuant to Section 724.193;

2) Concentration limits pursuant to Section 724.194 for each of those hazardous constituents;

3) The compliance point pursuant to Section 724.195; and

4) The compliance period pursuant to Section 724.196.

b) The owner or operator must implement a corrective action program that prevents hazardous constituents from exceeding their respective concentration limits at the compliance point by removing the hazardous waste constituents or treating them in place. The permit will specify the specific measures that must be taken.

c) The owner or operator must begin corrective action within a reasonable time period after the groundwater protection standard is exceeded. The Agency must specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action must begin and such a requirement will operate in lieu of Section 724.199(i)(2).

d) In conjunction with a corrective action program, the owner or operator must establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program pursuant to Section 724.199 and must be as effective as that program in determining compliance with the groundwater protection standard pursuant to Section 724.192 and in determining the success of a corrective action program pursuant to subsection (e) where appropriate.

e) In addition to the other requirements of this Section, the owner or operator must conduct a corrective action program to remove or treat in place any hazardous constituents pursuant to Section 724.193 that exceed concentration limits pursuant to Section 724.194 in groundwater, as follows:

1) At the following locations:

A) Between the compliance point pursuant to Section 724.195 and the downgradient facility property boundary; and

B) Beyond the facility boundary, where necessary to adequately protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site

access is denied. On-site measures to address such releases will be determined on a case-by-case basis.

2) The permit will specify the following measures to be taken:

A) Corrective action measures pursuant to this subsection (e) must be initiated and completed within a reasonable period of time considering the extent of contamination.

B) Corrective action measures pursuant to this subsection (e) may be terminated once the concentration of hazardous constituents pursuant to Section 724.193 is reduced to levels below their respective concentration limits pursuant to Section 724.194.

f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the groundwater protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, the owner or operator must continue that corrective action for as long as necessary to achieve compliance with the groundwater protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if the owner or operator can demonstrate, based on data from the groundwater monitoring program pursuant to subsection (d), that the groundwater protection standard of Section 724.192 has not been exceeded for a period of three consecutive years.

g) The owner or operator must report in writing to the Agency on the effectiveness of the corrective action program. The owner or operator must submit these reports annually.

h) If the owner or operator determines that the corrective action program no longer satisfies this Section, the owner or operator must, within 90 days, submit an application for a permit modification to make any appropriate changes to the program.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.201 Corrective Action for Solid Waste Management Units

a) The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute corrective action as necessary to adequately protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.

b) Corrective action will be specified in the permit in accordance with this Section and Subpart S. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.

c) The owner or operator must implement corrective action measures beyond the facility property boundary, where necessary to adequately protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.

d) This Section does not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section 724.210 Applicability

Except as Section 724.101 provides otherwise, the following are required:

a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities;

b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of the following:

1) All hazardous waste disposal facilities;

2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.216 through 724.220 are made applicable to such facilities in Sections 724.328 or 724.358;

3) Tank systems that are required pursuant to Section 724.297 to meet the requirements for landfills; or

4) Containment buildings that are required pursuant to Section 724.1102 to meet the requirements for landfills; and

c) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards referenced in Section 724.211(c) applying to a regulated unit) with alternative requirements set out in a permit or other enforceable document, as provided pursuant to 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will adequately protect human health and the environment and will satisfy the closure performance standard of Section 724.211(a) and (b).

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

Section 724.211 Closure Performance Standard

The owner or operator must close the facility in a manner that does the following:

a) The closure minimizes the need for further maintenance;

b) The closure controls, minimizes, or eliminates, to the extent necessary to adequately protect to human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous decomposition products to the ground or surface waters or to the atmosphere; and

c) The closure complies with the closure requirements of this Part including, but not limited to, Sections 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701 through 724.703, and 724.1102.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

Section 724.212 Closure Plan; Amendment of Plan

a) Written Plan Required

1) The owner or operator of a hazardous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required

by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding pursuant to 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.

2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and approved revisions must be furnished to the Agency upon request, including requests by mail.

b) Content of Plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least the following:

1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211;

2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations that will be unclosed during the active life of the facility;

3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the types of off-site hazardous waste management units to be used, if applicable;

4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control;

6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that will allow tracking of the progress of partial and final closure (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.);

7) For facilities that use trust funds to establish financial assurance pursuant to Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; and

8) For a facility where alternative requirements are established at a regulated unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d), as provided pursuant to 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.

c) Amendment of the Plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703, and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.

1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.

2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever any of the following occurs:

A) Changes in operating plans or facility design affect the closure plan;

B) There is a change in the expected year of closure, if applicable;

C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or

D) The owner or operator requests the establishment of alternative requirements, as provided pursuant to 35 Ill. Adm. Code 703.161, to

a regulated unit pursuant to Section 724.190(f), 724.210(c), or 724.240(d).

3) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan pursuant to Section 724.328(c)(1)(A) or 724.358(c)(1)(A), must submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency must approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator must submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.

d) Notification of Partial Closure and Final Closure

1) The owner or operator must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit or final closure of a facility with such a unit. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

2) The date when the owner or operator "expects to begin closure" must be either of the following:

A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit; or

B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to adequately prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency must approve an extension to this one-year limit.

3) If the facility's permit is terminated, or if the facility is otherwise ordered by judicial decree or Board order to cease receiving hazardous wastes or to close, then this subsection (d) does not apply. However, the owner or operator must close the facility in accordance with the deadlines established in Section 724.213.

e) Removal of Wastes and Decontamination or Dismantling of Equipment. Nothing in this Section must preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 43 Ill. Reg. 5999, May 2, 2019)

Section 724.213 Closure; Time Allowed for Closure

a) All permits must require that, within 90 days after receiving the final volume of hazardous waste, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e), at a hazardous waste management unit or facility, the owner or operator treat, remove from the unit or facility, or dispose of on-site, all hazardous wastes in accordance with the approved closure plan, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency must approve a longer period if the owner or operator demonstrates that the following is true:

1) Either of the following:

A) The activities required to comply with this subsection (a) will, of necessity, take longer than 90 days to complete; or

B) All of the following is true:

i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e);

ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and

iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements.

b) All permits must require that the owner or operator complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all applicable requirements in subsections (d) and (e), at the hazardous waste management unit or facility, unless the owner or operator makes the following demonstration by way of permit application or modification application. The Agency must approve a longer closure period if the owner or operator demonstrates as follows:

1) Either of the following:

A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or

B) All of the following:

i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e);

ii) There is reasonable likelihood that the owner or operator will recommence operation of the hazardous waste management unit or facility within one year; and

iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

2) The owner and operator have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility including compliance with all applicable permit requirements.

c) The demonstration referred to in subsections (a)(1) and (b)(1) must be made as follows:

1) The demonstration in subsection (a)(1) must be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and

2) The demonstration in subsection (b)(1) must be made at least 30 days prior to the expiration of the 180-day period in subsection (b), unless the owner or operator is otherwise subject to deadlines in subsection (d).

d) Continued Receipt of Non-Hazardous Waste. The Agency must permit an owner or operator to receive only non-hazardous wastes in a landfill, land treatment unit, or surface impoundment unit after the final receipt of hazardous wastes at that unit if the following is true:

1) The owner or operator requests a permit modification in compliance with all applicable requirements in 35 Ill. Adm. Code 702, 703, and 705, and in the permit modification request demonstrates the following:

A) That the unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes;

B) That there is a reasonable likelihood that the owner or operator or another person will receive non-hazardous wastes in the unit within one year after the final receipt of hazardous wastes;

C) That the non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility pursuant to this Part;

D) That closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

E) That the owner or operator is operating and will continue to operate in compliance with all applicable permit requirements;

2) The request to modify the permit includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required pursuant to 35 Ill. Adm. Code 703.186, and closure and post-closure plans and updated cost estimates and demonstrations of financial assurance for closure and post-closure care, as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes, and changes in closure activities, including the expected year of closure if applicable pursuant to Section 724.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes;

3) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and

4) The request to modify the permit and the demonstrations referred to in subsections (d)(1) and (d)(2) are submitted to the Agency no later than 120 days prior to the date on which the owner or operator of the facility receives the known final volume of hazardous wastes at the unit or no later than 90 days after the effective date of this Section, whichever is later.

e) Surface Impoundments. In addition to the requirements in subsection (d), an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in Section 724.321(c), (d), or (e) must receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection (e).

1) The petition for adjusted standard must include the following:

A) A plan for removing hazardous wastes; and

B) A contingent corrective measures plan.

2) The removal plan must provide for the following:

A) Removing all hazardous liquids; and

B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and

C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates the following:

i) That the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete; and

ii) That an extension will not pose a threat to human health and the environment.

3) The following requirements apply to the contingent corrective measures plan:

A) It must meet the requirements of a corrective action plan pursuant to Section 724.199, based upon the assumption that a release has been detected from the unit.

B) It may be a portion of a corrective action plan previously submitted pursuant to Section 724.199.

C) It may provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.

D) It must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.

4) Definition of "Release." A release is defined as a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters or constituents specified in the permit, or over the facility's groundwater protection standard at the or over the facility's groundwater protection standard at the point of compliance, if applicable, detected in accordance with the requirements in Subpart F.

5) In the event of a release, the owner or operator of the unit must do the following:

A) Within 35 days, the owner or operator must file with the Board a petition for adjusted standard. If the Board finds that it is necessary to do so in order to adequately protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to fulfill the conditions of subsections (e)(5)(A)(i) and (e)(5)(A)(ii). The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7).

i) Begin to implement that corrective measures plan in less than one year; or

ii) Cease the receipt of wastes until the plan has been implemented.

B) The owner or operator must implement the contingent corrective measures plan.

C) The owner or operator may continue to receive wastes at the unit if authorized by the approved contingent measures plan.

6) Annual Report. During the period of corrective action, the owner or operator must provide annual reports to the Agency that do the following:

A) They must describe the progress of the corrective action program;

B) They must compile all groundwater monitoring data; and

C) They must evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

7) Required Closure. The owner or operator must commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.

A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent corrective measures plan.

B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the

corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard.

C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.

D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.

8) Adjusted Standard Procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection (e).

A) Except as otherwise provided, the owner or operator must follow the procedures of Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104 to petition the Board for an adjusted standard.

B) Initial justification. The Board will grant an adjusted standard pursuant to subsection (e)(1) if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (e)(3).

C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1):

i) A plan for removing hazardous wastes.

ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan.

iii) A contingent corrective measures plan.

iv) A requirement that, in the event of a release, the owner or operator must do as follows: within 35 days, file with the Board a petition for adjusted standard; implement the corrective measures plan; and, file semi-annual reports with the Agency.

v) A condition that the adjusted standard will terminate if the owner or operator fails to do as follows: implement the removal plan; or timely file a required petition for adjusted standard.

vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator must commence closure of the unit in accordance with the requirements of the closure plan and this Part.

D) Justification in the Event of a Release. The Board will modify or terminate the adjusted standard pursuant to a petition filed pursuant to subsection (e)(5)(A), as provided in that subsection or in subsection (e)(7).

9) The Agency must modify the RCRA permit to include the adjusted standard.

10) The owner or operator may file a permit modification application with a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.214 Disposal or Decontamination of Equipment, Structures, and Soils

During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated unless otherwise specified in Sections 724.297, 724.328, 724.358, 724.380, or 724.410, or under the authority of Sections 724.701 and 724.703. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.215 Certification of Closure

Within 60 days after completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, or landfill unit, and within 60 days after completion of final closure, the owner or operator must submit to the Agency, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by a qualified Professional Engineer. Documentation supporting the Professional Engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for closure under Section 724.243(i).

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

Section 724.216 Survey Plat

No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator must submit to any local zoning authority or authority with jurisdiction over local land use and to the Agency and record with land titles, a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, that states the owner's and operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable regulations of Subpart G.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.217 Post-Closure Care and Use of Property

a) Post-Closure Care Period

1) Post-closure care for each hazardous waste management unit subject to the requirements of Sections 724.217 through 724.220 must begin after completion of closure of the unit and continue for 30 years after that date and must consist of at least the following:

A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M, N, and X; and

B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X.

2) Any time preceding partial closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure care period for a particular unit, the Board may, in accordance with the permit modification procedures of 35 Ill. Adm. Code 702, 703, and 705, do either of the following:

A) Shorten the post-closure care period applicable to the hazardous waste management unit or facility if all disposal units have been closed and the Board has found by an adjusted standard issue pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104 that the reduced period is sufficient to adequately protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure); or

B) Extend the post-closure care period applicable to the hazardous waste management unit or facility if the Board has found by an adjusted standard issue pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104 that the extended period is necessary to adequately protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels that may be harmful to human health and the environment).

b) The Agency must require continuation at partial or final closure of any of the security requirements of Section 724.114 during part or all of the post-closure period when either of the following is true:

1) Hazardous wastes may remain exposed after completion of partial or final closure; or

2) Access by the public or domestic livestock may pose a hazard to human health.

c) Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liners, or any other components of the containment system or the function of the facility's monitoring systems, unless the Agency finds, by way of a permit modification, that the disturbance is necessary for either of the following reasons:

1) It is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

2) It is necessary to reduce a threat to human health or the environment.

d) All the post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in Section 724.218.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.218 Post-Closure Care Plan; Amendment of Plan

a) Written Plan. The owner or operator of a hazardous waste disposal unit must have a written post-closure care plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328(c)(1)(B) and 724.358(c)(1)(B) to have contingent post-closure care plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure care plans under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) must submit a post-closure care plan to the Agency within 90 days from the date that the owner or operator or Agency

determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and 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 post-closure care plan will become a condition of any RCRA permit issued.

b) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least the following:

1) A description of the planned monitoring activities and frequencies that they will be performed to comply with Subparts F, K, L, M, N, and X during the post-closure care period.

2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure the following:

A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X; and

B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M, N, and X.

3) The name, address, and phone number of the person or office to contact about the hazardous disposal unit during the post-closure care period.

4) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.

c) Until final closure of the facility, a copy of the approved post-closure care plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection (b)(3) must keep the approved post-closure care plan during the remainder of the post-closure care period.

d) Amendment of Plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan in accordance with the applicable requirements of 35 Ill. Adm.

Code 703 and 705. The written notification or request must include a copy of the amended post-closure care plan for review or approval by the Agency.

1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period.

2) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan whenever any of the following occurs:

   A) Changes in operating plans or facility design affect the post-closure care plan;

   B) There is a change in the expected year of closure if applicable;

   C) Events occur during the active life of the facility, including partial and final closures, that affect the approved post-closure care plan; or

   D) The owner or operator requests establishment of alternative requirements to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).

3) The owner or operator must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure care plan under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) must submit a post-closure care plan to the Agency no later than 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410. The Agency must approve, disapprove, or modify this plan in accordance with the procedure in 35 Ill. Adm. Code 703 and 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a permit condition.

4) The Agency may request modifications to the plan under the conditions described in subsection (d)(2). The owner or operator must submit the modified plan no later than 60 days after the request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure care plan. Any

modifications requested by the Agency must be approved, disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.219 Post-Closure Notices

a) No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator of a disposal facility must submit to the Agency, to the County Recorder and to any local zoning authority or authority with jurisdiction over local land use, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous waste to the best of the owner or operator's knowledge and in accordance with any records the owner or operator has kept.

b) Within 60 days after certification of closure of the first hazardous waste disposal unit and within 60 days after certification of closure of the last hazardous waste disposal unit, the owner or operator must do the following:

1) Record a notation on the deed to the facility property—or on some other instrument that is normally examined during title search—that will in perpetuity notify any potential purchaser of the property as follows:

A) That the land has been used to manage hazardous wastes; and

B) That its use is restricted pursuant to this Subpart G; and

C) That the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by subsection (a) and Section 724.216 have been filed with the Agency, the County Recorder and any local zoning authority or authority with jurisdiction over local land use; and

2) Submit a certification to the Agency, signed by the owner or operator, that the owner or operator has recorded the notation specified in subsection (b)(1), including a copy of the document in which the notation has been placed, to the Agency.

c) If the owner or operator or any subsequent owner or operator of the land upon which a hazardous waste disposal unit is located wishes to remove hazardous wastes and hazardous waste residues, the liner, if any, or contaminated soils, such person must request a modification to the post-closure plan in accordance with the

applicable requirements in 35 Ill. Adm. Code 703 and 705. The owner and operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of Section 724.217(c). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 703 and 720 through 728, and 738. If the owner or operator is granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the Agency approve either of the following:

1) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

2) The addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.220 Certification of Completion of Post-Closure Care

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Agency, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and a qualified Professional Engineer. Documentation supporting the Professional Engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for post-closure care under Section 724.245(i).

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.240 Applicability

a) The requirements of Sections 724.242, 724.243, and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.

b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of the following:

1) Disposal facilities;

2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.244

and 724.245 are made applicable to such facilities in Sections 724.328 and 724.358;

3) Tank systems that are required pursuant to Section 724.297 to meet the requirements for landfills; or

4) Containment buildings that are required pursuant to Section 724.1102 to meet the requirements for landfills.

c) The State and the federal government are exempt from the requirements of this Subpart H.

d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of this Subpart H applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:

1) The Board or Agency has established alternative requirements for the regulated unit established pursuant to Section 724.190(f) or 724.210(c); and

2) The Board or Agency determines that it is not necessary to apply the financial assurance requirements of this Subpart H because the alternative financial assurance requirements will adequately protect human health and the environment.

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

Section 724.241 Definitions of Terms as Used in This Subpart

For the purposes of this Subpart H, the following terms have the given meanings:

a) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 724.212.

b) "Current closure cost estimate" means that the most recent of the estimates prepared in accordance with Section 724.242(a), (b), and (c).

c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with Section 724.244(a), (b), and (c).

d) "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Sections 724.217 through 724.220.

f) The following terms are used in the specifications for the financial test for closure, post-closure care, and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles, such as goodwill and rights to patents or royalties.

g) In the liability insurance requirements the terms "bodily injury" and "property damage" have the meanings given below. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, that results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term.

"Environmental damage" means the injurious presence in or upon land, the atmosphere, or any watercourse or body of water of solid, liquid, gaseous, or thermal contaminants, irritants, or pollutants.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term. This term is used in the definition of "pollution incident".

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonsudden accidental occurrence" means an occurrence that takes place over time and involves continuous or repeated exposure.

"Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term. This definition is used in the definition of "pollution incident".

"Pollution incident" means emission, discharge, release, or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release, or escape results in "environmental damage". The entirety of any such emission, discharge, release, or escape must be deemed to be one "pollution incident".

"Waste" includes materials to be recycled, reconditioned, or reclaimed. The term "pollution incident" includes an "occurrence".

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term. This definition is used in the definition of "property damage".

"Property damage" means as follows:

Either of the following:

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term.
"Sudden accidental occurrence" means an occurrence that is not continuous or repeated in nature.

h) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third party. "Applicable state law", as used in this subsection (h), means the laws of the State of Illinois and those of any sister state that govern the guarantee and the adequacy of the consideration.

BOARD NOTE: Derived from 40 CFR 264.141(h) (2017) and the discussion at 53 Fed. Reg. 33938, 33941-33943 (Sep. 1, 1988). This term is also independently defined in 35 Ill. Adm. Code 725.141(h) and 727.240(b)(8). Any Agency determination that a substantial business relationship exists is subject to Board review pursuant to Section 40 of the Act.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.242 Cost Estimate for Closure

a) The owner or operator must have detailed 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, 724.451, 724.701 through 724.703, and 724.1102.

1) The estimate must equal the cost of final closure at the point in the facility's active 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(b)).

2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d).) The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

3) The closure cost estimate must not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes if permitted by the Agency pursuant to Section 724.213(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.

4) The owner or operator must not incorporate a zero cost for hazardous wastes, or non-hazardous wastes if permitted by the Agency pursuant to Section 724.213(d), that might have economic value.

b) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 724.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 724.243(f)(3). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product (Deflator) as published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (b)(1) and (b)(2). 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.

BOARD NOTE: The table of Deflators is available as Table 1.1.9., "Implicit Price Deflators for Gross Domestic Product", in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: www.bea.gov/national/nipaweb/TableView.asp?SelectedTable=13&FirstYear=2002&LastYear=2004&Freq=Qtr.

c) During the active life of the facility the owner or operator must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation, as specified in subsection (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 subsections (a) and (c) and, when this estimate has been adjusted in accordance with subsection (b), the latest adjusted closure cost estimate.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.243 Financial Assurance for Closure

An owner or operator of each facility must establish financial assurance for closure of the facility. The owner or operator must choose from the options that are specified in subsections (a) through (f).

a) Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the requirements of this subsection (a) and submitting an original signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility must submit the original signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or State agency.

2) The wording of the trust agreement must be that specified in Section 724.251, and the trust agreement must be accompanied by a formal certification of acknowledgment, as specified in Section 724.251.

Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period". The payments into the closure trust fund must be made as follows:

A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for treatment, storage, or disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (g), divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by the following formula:

$$\text{Next Payment} = \frac{(\text{CE} - \text{CV})}{\text{Y}}$$

Where:

CE = the current closure cost estimate

CV = the current value of the trust fund

Y = the number of years remaining in the pay-in period

B) If an owner or operator establishes a trust fund as specified in 35 Ill. Adm. Code 725.243(a) and the value of that trust fund is less than the current closure cost estimate when a permit is awarded for the facility, the amount of the current closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by the following formula:

$$\text{Next Payment} = \frac{(\text{CE} - \text{CV})}{\text{Y}}$$

Where:

CE = the current closure cost estimate

CV = the current value of the trust fund

Y = the number of years remaining in the pay-in period

4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).

5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section or in 35 Ill. Adm. Code 725.243, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this subsection (a) and 35 Ill. Adm. Code 725.243, as applicable.

6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate or obtain other financial assurance as specified in this Section to cover the difference.

7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.

8) If an owner or operator substitutes other financial assurance, as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (a)(7) or (a)(8), the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the

Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency must instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it must withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (i), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

11) The Agency must agree to termination of the trust when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

b) Surety Bond Guaranteeing Payment into a Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury. BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: http://www.fms.treas.gov/c570/.

2) The wording of the surety bond must be that specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a) except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund as specified in subsection (a);

ii) Updating of Schedule A of the trust agreement (see 35 Ill. Adm. Code 724.251) to show current closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The bond must guarantee that the owner or operator will do one of the following:

A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility;

B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

C) Provide alternate financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (g).

7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.

c) Surety Bond Guaranteeing Performance of Closure

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury. BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: http://www.fms.treas.gov/c570/.

2) The wording of the surety bond must be that specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a), except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund, as specified in subsection (a);

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will do the following:

A) Perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

B) Provide alternative financial assurance, as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the approved closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure, as guaranteed by the bond, or will deposit the amount of the penal sum into the standby trust fund.

6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate.

7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as

specified in this Section. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency must provide such written consent when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

10) The surety must not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

d) Closure Letter of Credit

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

2) The wording of the letter of credit must be that specified in Section 724.251.

3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency must be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This

standby trust fund must meet the requirements of the trust fund specified in subsection (a), except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations.

i) Payments into the trust fund, as specified in subsection (a);

ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the USEPA identification number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (g).

7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the Agency may draw on the letter of credit.

9) If the owner or operator does not establish alternative financial assurance, as specified in this Section, and obtain written approval of such alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency must draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.

10) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

e) Closure Insurance

1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance that conforms to the requirements of this subsection (e) and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility must submit the certificate of 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. At a minimum, the insurer must be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer in one or more States.

2) The wording of the certificate of insurance must be that specified in Section 724.251.

3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection (g). The term “face amount” means the total amount the insurer is

obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties, as the Agency specifies.

5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursements for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency must instruct the insurer to make reimbursement in such amounts, as the Agency specifies in writing, if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it must withhold reimbursement of such amounts that it deems prudent, until it determines, in accordance with subsection (i), that the owner or operator is no longer required to maintain financial assurance for closure of the facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (e)(10). Failure to pay the premium, without substitution of alternative financial assurance, as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect, in the event that on or before the date of expiration one of the following occurs:

A) The Agency deems the facility abandoned;

B) The permit is terminated or revoked or a new permit is denied;

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 USC (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

10) The Agency must give written consent to the owner or operator that it may terminate the insurance policy when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

f) Financial Test and Corporate Guarantee for Closure

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test, as specified in this subsection (f). To pass this test the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have the following:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates; and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator must have the following:

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;

ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure estimates and the current plugging and abandonment cost estimates.

2) The phrase "current closure and post-closure cost estimates", as used in subsection (f)(1), refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial

officer (see Section 724.251). The phrase "current plugging and abandonment cost estimates", as used in subsection (f)(1), refers to the cost estimates required to be shown in subsections 1-4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240).

3) To demonstrate that it meets this test, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251; and

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; and

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating the following:

i) That the accountant has compared the data that 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

ii) In connection with that procedure, that no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in subsection (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 subsection (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 subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1) the owner or operator must send notice to the Agency of intent to establish alternative financial assurance, as specified in this Section. The notice must be sent by certified mail 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 requirements. The owner or operator must

provide the alternative financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator must provide alternative financial assurance, as specified in this Section, within 30 days after notification of such a finding.

8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate other qualifications on an individual basis. The owner or operator must provide alternative financial assurance, as specified in this Section, within 30 days after notification of the disallowance.

9) The owner or operator is no longer required to submit the items specified in subsection (f)(3) when either of the following occurs:

   A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

   B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (f)(1) through (f)(8), must comply with the terms of the corporate guarantee, and the wording of the corporate guarantee must be that specified in Section 724.251. The certified copy of the corporate guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the

owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide as follows:

A) If the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund, as specified in subsection (a), in the name of the owner or operator.

B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) If the owner or operator fails to provide alternative financial assurance as specified in this Section and obtain the written approval of such alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

g) Use of Multiple Financial Mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e), respectively, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

h) Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number, name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The

amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

i) Release of the Owner or Operator from the Requirements of This Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that final approved closure has been accomplished in accordance with the closure plan, the Agency must notify the owner or operator in writing that it is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency must provide the owner or operator a detailed written statement of any such determination that closure has not been in accordance with the approved closure plan.

j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit, or insurance;

2) Requiring alternative assurance upon a finding that an owner or operator or parent corporation no longer meets a financial test.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.244 Cost Estimate for Post-Closure Care

a) The owner or operator of a disposal surface impoundment, disposal miscellaneous unit, land treatment unit, or landfill unit or the owner or operator of a surface impoundment or waste pile required under Sections 724.328 or 724.358 to prepare a contingent closure and post-closure plan must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Sections 724.217 through 724.220, 724.328, 724.358, 724.380, 724.410, and 724.703.

1) The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in Section 724.241(d)).

2) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Section 724.217.

b) During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 724.245. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before the submission of updated information to the Agency, as specified in Section 724.245(f)(5). The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor 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, as specified in subsections (b)(1) and (b)(2). 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 post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

c) During the active life of the facility the owner or operator must revise the post-closure cost estimate within 30 days after the Agency has approved a request to modify the post-closure plan if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation, as specified in Section 724.244(b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: The latest post-closure cost estimate prepared in accordance with Section 724.244(a) and (c) and, when this estimate has been adjusted in accordance with Section 724.244(b), the latest adjusted post-closure cost estimate.

(Source: Amended at 40 Ill. Reg. 11726, effective August 9, 2016)

Section 724.245 Financial Assurance for Post-Closure Care

An owner or operator of a hazardous waste management unit subject to the requirements of Section 724.244 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. The owner or operator must choose from among the following options:

a) Post-Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund that conforms to the requirements of this subsection (a) and submitting an original, signed duplicate of the trust agreement to the Agency. An owner or operator of a new facility must submit the original, signed duplicate of the trust agreement to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or State agency.

2) The wording of the trust agreement must be that specified in Section 724.251 and the trust agreement accompanied by a formal certification of acknowledgment (as specified in Section 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial RCRA permit or over the remaining operating life of the facility as estimated in the closure plan, whichever period is shorter; this period is hereafter referred to as the "pay-in period". The payments into the post-closure trust fund must be made as follows:

A) For a new facility, the first payment must be made before the initial receipt of hazardous waste for disposal. A receipt from the trustee for this payment must be submitted by the owner or operator to the Agency before this initial receipt of hazardous waste. The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (g), divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by the following formula:

$$\text{Next Payment} = \frac{(\text{CE} - \text{CV})}{\text{Y}}$$

Where:

CE = the current closure cost estimate

CV = the current value of the trust fund

Y = the number of years remaining in the pay-in period

B) If an owner or operator establishes a trust fund, as specified in 35 Ill. Adm. Code 725.245(a), and the value of that trust fund is less than the current post-closure cost estimate when a permit is awarded for the facility, the amount of the current post-closure cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in subsection (a)(3). Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to 35 Ill. Adm. Code 725. The amount of each payment must be determined by the following formula:

$$\text{Next Payment} = \frac{(\text{CE} - \text{CV})}{\text{Y}}$$

Where:

CE = the current closure cost estimate

CV = the current value of the trust fund

Y = the number of years remaining in the pay-in period

4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).

5) If the owner or operator establishes a post-closure trust fund after having used one or more alternative mechanisms specified in this Section or in 35 Ill. Adm. Code 725.245, its first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this subsection (a) and 35 Ill. Adm. Code 725.245, as applicable.

6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance, as specified in this Section, to cover the difference.

7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the

owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, it may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds, as specified in subsection (a)(7) or (a)(8), the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) During the period of post-closure care, the Agency must approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.

11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency must instruct the trustee to make requirements in those amounts that the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

12) The Agency must agree to termination of the trust when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

b) Surety Bond Guaranteeing Payment into a Post-Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a

minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: http://www.fms.treas.gov/c570/.

2) The wording of the surety bond must be that specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), except as follows:

   A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

   B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

      i) Payments into the trust fund, as specified in subsection (a);

      ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

      iii) Annual valuations, as required by the trust agreement; and

      iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will do one of the following:

   A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility;

   B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a U.S. district court or other court of competent jurisdiction; or

C) Provide alternative financial assurance as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g).

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidence by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternative financial assurance, as specified in this Section.

c) Surety Bond Guaranteeing Performance of Post-Closure Care

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (c) and submitting the bond to the Agency. An owner or operator of a new facility must submit the bond to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: http://www.fms.treas.gov/c570/.

2) The wording of the surety bond must be that specified in Section 724.251.

3) The owner or operator who uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust must meet the requirements specified in subsection (a), except as follows:

   A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

   B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required:

      i) Payments into the trust fund, as specified in subsection (a);

      ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

      iii) Annual valuations, as required by the trust agreement; and

      iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will do either of the following:

   A) Perform final post-closure care in accordance with the post-closure plan and other requirements of the permit for the facility; or

   B) Provide alternative financial assurance, as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a final judicial determination or Board order finding

that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, under the terms of the bond the surety will perform post-closure care in accordance with post-closure plan and other permit requirements or will deposit the amount of the penal sum into the standby trust fund.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate.

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section. Whenever the current closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency must approve a decrease in the penal sum if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

10) The owner or operator may cancel the bond if the Agency has given prior written consent. The Agency must provide such written consent when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

11) The surety will not be liable for deficiencies in the performance of post-closure care by the owner or operator after the Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

d) Post-Closure Letter of Credit

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (d) and submitting the letter to the Agency. An owner or operator of a new facility must submit the letter of credit to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or State agency.

2) The wording of the letter of credit must be that specified in Section 724.251.

3) An owner or operator who uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency must be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except as follows:

   A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

   B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

      i) Payments into the trust fund, as specified in subsection (a);

      ii) Updating of Schedule A of the trust agreement (as specified in Section 724.251) to show current post-closure cost estimates;

      iii) Annual valuations, as required by the trust agreement; and

      iv) Notices of nonpayment, as required by the trust agreement.

4) The letter or credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the USEPA identification number, name and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (g).

7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency must approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other permit requirements, the Agency may draw on the letter of credit.

10) If the owner or operator does not establish alternative financial assurance, as specified in this Section, and obtain written approval of such alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency must draw on the letter of credit if the owner or operator has failed to provide alternative financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.

11) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

e) Post-Closure Insurance

1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance that conforms to the requirements of this subsection (e) and submitting a certificate of such insurance to the Agency. An owner or operator of a new facility must submit the certificate of insurance to the Agency at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer in one or more states.

2) The wording of the certificate of insurance must be that specified in Section 724.251.

3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure cost estimate, except as provided in subsection (g). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies.

5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency must instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If

the Agency does not instruct the insurer to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (e)(11). Failure to pay the premium, without substitution of alternative financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect, in the event that on or before the date of expiration one of the following occurs:

A) The Agency deems the facility abandoned;

B) The permit is terminated or revoked or a new permit is denied;

C) Closure is ordered by the Board or a U.S. district court or other court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 USC (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer must thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.

11) The Agency must give written consent to the owner or operator that the owner or operator may terminate the insurance policy when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

f) Financial Test and Corporate Guarantee for Post-Closure Care

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this subsection (f). To pass this test the owner or operator must meet the criteria of either subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have the following:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost

estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator must have the following:

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;

ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

2) The phrase "current closure and post-closure cost estimates", as used in subsection (f)(1), refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see Section 724.251). The phrase "current plugging and abandonment cost estimates", as used in subsection (f)(1), refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240).

3) To demonstrate that it meets this test, the owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251;

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; and

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating the following:

i) The accountant has compared the data that 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

ii) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for disposal.

5) After the initial submission of items specified in subsection (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 subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator must send notice to the Agency of intent to establish alternative financial assurance, as specified in this Section. The notice must be sent by certified mail 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 requirements the owner or operator must provide the alternative financial assurance within 120 days after the end of such fiscal year.

7) Based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (f)(1), the Agency may require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (f)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator must provide alternative financial assurance, as specified in this Section, within 30 days after notification of such a finding.

8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate

other qualifications on an individual basis. The owner or operator must provide alternative financial assurance, as specified in this Section, within 30 days after notification of the disallowance.

9) During the period of post-closure care, the Agency must approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.

10) The owner or operator is no longer required to submit the items specified in subsection (f)(3) when either of the following occurs:

A) An owner or operator substitutes alternative financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (i).

11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (f)(1) through (f)(9), and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be that specified in Section 724.251. A certified copy of the corporate guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide as follows:

A) That if the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other permit requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a) in the name of the owner or operator.

B) That the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) That if the owner or operator fails to provide alternative financial assurance as specified in this Section and obtain the written approval of such alternative assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

g) Use of Multiple Financial Mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit and insurance. The mechanisms must be as specified in subsections (a), (b), (d), and (e), respectively, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.

h) Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number, name, address, and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

i) Release of the Owner or Operator from the Requirements of this Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that the post-closure care period has been completed for a

hazardous waste disposal unit in accordance with the approved plan, the Agency must notify the owner or operator that it is no longer required to maintain financial assurance for post-closure care of that unit, unless the Agency determines that post-closure care has not been in accordance with the approved post-closure plan. The Agency must provide the owner or operator a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.

j) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

1) An increase in or a refusal to decrease the amount of a bond, letter of credit, or insurance;

2) Requiring alternative assurance upon a finding that an owner or operator or parent corporation no longer meets a financial test.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care

An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both Sections 724.243 and 724.245. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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 as specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), or (a)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (a).

   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 and of the certificate of insurance must be that specified in Section 724.251. 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.

   B) Each insurance policy must be issued by an insurer that is licensed by the Illinois Department of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g).

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h).

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j).

6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (a), the owner or operator

must specify at least one such assurance as "primary" coverage and must specify other such assurance as "excess" coverage.

7) An owner or operator must notify the Agency within 30 days whenever any of the following occurs:

A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6);

B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (a)(1) through (a)(6); or

C) A final court order establishing a judgement for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (a)(1) through (a)(6).

b) Coverage for Nonsudden Accidental Occurrences. An owner or operator of a surface impoundment, landfill, land treatment facility, or disposal miscellaneous unit that 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. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. Owners or operators who combine coverage levels for sudden and nonsudden accidental occurrences must maintain liability coverage in the amount of at least $4 million per occurrence and $8 million annual aggregate. This liability coverage may be demonstrated as specified in subsections (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), or (b)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (b).

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 that specified in Section 724.251. The wording of the certificate of insurance must be that specified in Section 724.251. 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.

B) Each insurance policy must be issued by an insurer that is licensed by the Illinois Department of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g).

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h).

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j).

6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (b), the owner or operator must specify at least one such assurance as "primary" coverage and must specify other such assurance as "excess" coverage.

7) An owner or operator must notify the Agency within 30 days whenever any of the following occurs:

A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (b)(1) through (b)(6);

B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (b)(1) through (b)(6); or

C) A final court order establishing a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (b)(1) through (b)(6).

c) Request for Adjusted Level of Required Liability Coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsection (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 pursuant to 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification pursuant to 35 Ill. Adm. Code 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 necessary to determine a level of financial responsibility other than that required by subsection (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 pursuant to 35 Ill. Adm. Code 703.271(e)(3) and 705.128.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (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 must adjust the level of financial responsibility

required pursuant to subsection (a) or (b) as may be necessary to adequately protect human health and the environment. This adjusted level must 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, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator must furnish to the Agency, within a time specified by the Agency in the request, which must be not be less than 30 days, any information that 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 pursuant to 35 Ill. Adm. Code 703.271(e)(3) and 705.128.

e) Period of Coverage. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that final closure has been completed in accordance with the approved closure plan, the Agency must notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

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 subsection (f). To pass this test the owner or operator must meet the criteria of subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have the following:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test;

ii) Tangible net worth of at least $10 million; and

iii) Assets in the United States amounting to either of the following: 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 the following:

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;

ii) Tangible net worth of at least $10 million;

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 of the following: 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 subsection (f)(1), refers to the annual aggregate amounts for which coverage is required pursuant to subsections (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 Section 724.251. 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) and 724.245(f) and 35 Ill. Adm. Code 725.243(e) and 725.245(e), and liability coverage, it must submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter, as specified in Section 724.251, is not required.

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 the following:

i) The accountant has compared the data that 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

ii) In connection with that procedure, no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility must submit the items specified in subsection (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 subsection (f)(3), the owner of 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 subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee 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 the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must 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.

g) Guarantee for Liability Coverage

1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners and operators in subsections (f)(1) through (f)(6). The wording of the guarantee must be that specified in Section 724.251. A certified copy of the guarantee must accompany the items sent to the Agency, as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in

consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide for the following:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be) arising from the operation of facilities covered by this guarantee, or if the owner or operator fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, that the guarantor will do so up to the limits of coverage.

B) That the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the Agency approves alternative liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.

2) The guarantor must execute the guarantee in Illinois. The guarantee must be accompanied by a letter signed by the guarantor that states as follows:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

3) The guarantor must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105/105.05].

h) Letter of Credit for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (h), and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit

operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

3) The wording of the letter of credit must be that specified in Section 724.251.

4) An owner or operator who uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act [205 ILCS 620].

5) The wording of the standby trust fund must be identical to that specified in Section 724.251(n).

i) Surety Bond for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond must be licensed by the Illinois Department of Insurance.

3) The wording of the surety bond must be that specified in Section 724.251.

j) Trust Fund for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection (j) and submitting a signed, duplicate original of the trust agreement to the Agency.

2) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act [205 ILCS 620].

3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or

operator, by the anniversary of the date of establishment of the fund, must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance as specified in this Section to cover the difference. For purposes of this subsection (j), "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and non-sudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage that is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

4) The wording of the trust fund must be that specified in Section 724.251.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions

a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 of the United States Code (Bankruptcy) naming the owners or operators as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee, as specified in Sections 724.243(f) and 724.245(f), must make such a notification if he is named as a debtor, as required under the terms of the corporate guarantee (see Section 724.251).

b) An owner or operator who fulfills the requirements of Sections 724.243, 724.245, or 724.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.251 Wording of the Instruments

The Agency must promulgate standardized forms based on 40 CFR 264.151 (Wording of the Instruments), incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart H must do so only upon the standardized forms promulgated by the Agency. The Agency must reject any financial assurance document that is not submitted on such standardized forms.

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 724.270 Applicability

The regulations in this Subpart I apply to the owner or operator of a hazardous waste facility that stores hazardous waste in containers, except as Section 724.101 provides otherwise.

BOARD NOTE: Under Sections 721.107 and 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 721.107. In that event, management of the container is exempt from the requirements of this Subpart I.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.271 Condition of Containers

If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects, etc.) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Part.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.272 Compatibility of Waste with Container

The owner or operator must use a container made of or lined with materials that will not react with, and which are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.273 Management of Containers

a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

b) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

BOARD NOTE: Reuse of containers in transportation is governed by USDOT regulations including those set forth in 49 CFR 173.28 (Reuse, Reconditioning, and Remanufacture of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.274 Inspections

At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. See Sections 724.115(c) and 724.271 for remedial action required if deterioration or leaks are detected.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.275 Containment

a) Container storage areas must have a containment system that is designed and operated in accordance with subsection (b), except as otherwise provided by subsection (c);

b) A containment system must be designed and operated as follows:

1) A base must underlie the containers that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

2) The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

3) The containment system must have sufficient capacity to contain 10 percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;

4) Run-on into the containment system must be prevented, unless the collection system has sufficient excess capacity in addition to that required in subsection (b)(3) to contain any run-on that might enter the system; and

5) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

BOARD NOTE: If the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 728. If the collected material is discharged through a point source to waters of the State, it is subject to the National Pollution Discharge Elimination System (NPDES) permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.102.

c) Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by subsection (b), except as provided by subsection (d), or provided as follows:

1) That the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or

2) That the containers are elevated or are otherwise protected from contact with accumulated liquid.

d) Storage areas that store containers holding the wastes listed below that do not contain free liquids must have a containment system defined by subsection (b): F020, F021, F022, F023, F026, and F027.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.276 Special Requirements for Ignitable or Reactive Waste

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

BOARD NOTE: See Section 724.117(a) for additional requirements.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.277 Special Requirements for Incompatible Wastes

a) Incompatible wastes or incompatible wastes and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), 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.

c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, 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 that could result from the mixing of incompatible wastes or materials if containers break or leak. As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.277. Also Section 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.

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.278 Closure

At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that the solid waste removed from the containment system is not a hazardous waste, the owner or operator 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 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.279 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a container in accordance with the requirements of Subparts AA, BB, and CC.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART J: TANK SYSTEMS

Section 724.290 Applicability

The requirements of this Subpart J apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in subsection (a), (b), or (c) or in Section 724.101.

a) Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in Section 724.293. To demonstrate the absence or presence of free liquids in the stored or treated waste, the following test must be used: USEPA Method 9095B (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods" USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

b) Tank systems, including sumps, are defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 724.293(a).

c) Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in 35 Ill. Adm. Code 720.110 and regulated under Subpart W, must meet the requirements of this Subpart J.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.291 Assessment of Existing Tank System Integrity

a) For each existing tank system that does not have secondary containment meeting the requirements of Section 724.293, the owner or operator must determine either that the tank system is not leaking or that it is fit for use. Except as provided in subsection (c), the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that attests to the tank system's integrity.

b) This assessment must determine whether the tank system is adequately designed and has sufficient structural strength and compatibility with the wastes to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

1) Design standards, if available, according to which the tank and ancillary equipment were constructed;

2) Hazardous characteristics of the wastes that have been and will be handled;

3) Existing corrosion protection measures;

4) Documented age of the tank system, if available (otherwise an estimate of the age); and

5) Results of a leak test, internal inspection, or other tank integrity examination so that the following is true:

A) For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects, and

B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as

described above, or other integrity examination that is certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that address cracks, leaks, corrosion, and erosion.

BOARD NOTE: The practices described in the American Petroleum Institute (API) Publication, "Guide for Inspection of Refinery Equipment", Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as guidelines in conducting other than a leak test.

c) Tank systems that store or treat materials that become hazardous wastes, must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

d) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of Section 724.296.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.292 Design and Installation of New Tank Systems or Components

a) Owners or operators of new tank systems or components must obtain and submit to the Agency, at time of submittal of Part B information, a written assessment, reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment, which will be used by the Agency to review and approve or disapprove the acceptability of the tank system design, must include, at a minimum, the following information:

1) Design standards according to which tanks or the ancillary equipment are constructed;

2) Hazardous characteristics of the wastes to be handled;

3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of the following:

A) Factors affecting the potential for corrosion, including but not limited to the following:

i) Soil moisture content;

ii) Soil pH;

iii) Soil sulfide level;

iv) Soil resistivity;

v) Structure to soil potential;

vi) Influence of nearby underground metal structures (e.g., piping);

vii) Existence of stray electric current;

viii) Existing corrosion-protection measures (e.g., coating, cathodic protection, etc.); and

B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

i) Corrosion-resistant materials of construction, such as special alloys, fiberglass reinforced plastic, etc.;

ii) Corrosion-resistant coating, such as epoxy, fiberglass, etc., with cathodic protection (e.g., impressed current or sacrificial anodes); and

iii) Electrical isolation devices, such as insulating joints, flanges, etc.

BOARD NOTE: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285, and "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

4) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

5) Design considerations to ensure the following:

A) That tank foundations will maintain the load of a full tank;

B) That tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 724.118(a); and

C) That tank systems will withstand the effects of frost heave.

b) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing or placing a new tank system or component in use, an independent qualified installation inspector or a qualified Professional Engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

1) Weld breaks;

2) Punctures;

3) Scrapes of protective coatings;

4) Cracks;

5) Corrosion;

6) Other structural damage or inadequate construction or installation. All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

c) New tank systems or components that are placed underground and which are backfilled must be provided with a backfill material that is a noncorrosive, porous, and homogeneous substance which is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all

repairs necessary to remedy the leaks in the system must be performed prior to the tank system being covered, enclosed, or placed into use.

e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

BOARD NOTE: The piping system installation procedures described in "Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, or "Chemical Plant and Petroleum Refinery Piping", ASME/ANSI Standard B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, and "Liquid Petroleum Transportation Piping Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI Standard B31.4-1986, as supplemented by B31.4a-1987, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used where applicable, as guidelines for proper installation of piping systems.

f) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under subsection (a)(3), or other corrosion protection if the Agency determines that other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

g) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of subsections (b) through (f), that attest that the tank system was properly designed and installed and that repairs, pursuant to subsections (b) and (d), were performed. These written statements must also include the certification statement, as required in 35 Ill. Adm. Code 702.126(d).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.293 Containment and Detection of Releases

a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this Section must be provided (except as provided in subsections (f) and (g)).

1) For a new or existing tank system or component, prior to their being put into service.

2) For a tank system that stores or treats materials that become hazardous wastes within two years after the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later.

b) Secondary containment systems must fulfill the following:

1) It must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and

2) It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

c) To meet the requirements of subsection (b), secondary containment systems must, at a minimum, fulfill the following:

1) It must be constructed of or lined with materials that are compatible with the wastes to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);

2) It must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

3) It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the owner or operator demonstrates, by way of permit application, to the Agency that existing detection technologies or site conditions will not allow detection of a release within 24 hours; and

4) It must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

BOARD NOTE: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722

through 728. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Work (POTW), it is subject to the requirements of 35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 35 Ill. Adm. Code 750.410 and federal 40 CFR 302.6.

d) Secondary containment for tanks must include one or more of the following devices:

1) A liner (external to the tank);

2) A vault;

3) A double-walled tank; or

4) An equivalent device, as approved by the Board in an adjusted standards proceeding.

e) In addition to the requirements of subsections (b), (c), and (d), secondary containment systems must satisfy the following requirements:

1) An external liner system must fulfill the following:

A) It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.

B) It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.

C) It must be free of cracks or gaps.

D) It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tanks (i.e., it is capable of preventing lateral as well as vertical migration of the waste).

2) A vault system must fulfill the following:

A) It must be designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;

B) It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) It must be constructed with chemical-resistant water stops in place at all joints (if any);

D) It must be provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

E) It must be provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated fulfills the following:

i) It meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or

ii) It meets the definition of reactive waste under 35 Ill. Adm. Code 721.123, and may form an ignitable or explosive vapor; and

F) It must be provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) A double-walled tank must fulfill the following:

A) It must be designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) It must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

C) It must be provided with a built-in continuous leak detection system capable of detecting a release within 24 hours, or at the earliest practicable time, if the owner or operator demonstrates, by way of permit application, to the Agency that the existing detection technology or site conditions would not allow detection of a release within 24 hours.

BOARD NOTE: The provisions outlined in the Steel Tank Institute document (STI) "Standard for Dual Wall Underground Steel Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used as a guideline for aspects of the design of underground steel double-walled tanks.

f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (b) and (c), except as follows:

1) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and

4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

g) Pursuant to Section 28.1 of the Environmental Protection Act, and in accordance with 35 Ill. Adm. Code 101 and 104, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2).

1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The nature and quantity of the wastes;

B) The proposed alternative design and operation;

C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and groundwater; and

D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.

2) When determining whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The potential adverse effects on groundwater, surface water and land quality taking into account, considering the following:

i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

ii) The hydrogeological characteristics of the facility and surrounding land;

iii) The potential for health risk caused by human exposure to waste constituents;

iv) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

v) The persistence and permanence of the potential adverse effects.

B) The potential adverse effects of a release on groundwater quality, taking into account;

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The proximity and withdrawal rates of groundwater users;

iii) The current and future uses of groundwater in the area; and

iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.

C) The potential adverse effects of a release on surface water quality, taking the following into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The patterns of rainfall in the region;

iii) The proximity of the tank system to surface waters;

iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and

v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality.

D) The potential adverse effect of a release on the land surrounding the tank system, taking the following into account:

i) The patterns of rainfall in the region; and

ii) The current and future uses of the surrounding land.

3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system but which has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), must do the following:

A) It must comply with the requirements of Section 724.296, except Section 724.296(d); and

B) It must decontaminate or remove contaminated soil to the extent necessary to do the following:

i) Enable the tank system for which the alternative design and operating practices were granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water; and

C) If contaminated soil cannot be removed or decontaminated in accordance with subsection (g)(3)(B), the owner or operator must comply with the requirement of Section 724.297(b).

4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system and which has migrated beyond the zone of engineering control (as established in the alternative design and operating practices), must do the following:

A) Comply with the requirements of Section 724.296(a), (b), (c), and (d); and

B) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator must comply with the requirements of Section 724.297(b); and

C) If repairing, replacing or reinstalling the tank system, provide secondary containment in accordance with the requirements of subsections (a) through (f), or make the alternative design and operating practices demonstration to the Board again, and meet the requirements for new tank systems in Section 724.292 if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil is decontaminated or removed and groundwater or surface water has not been contaminated.

h) In order to make an alternative design and operating practices, the owner or operator must follow the following procedures in addition to those specified in Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104:

1) The owner or operator must file a petition for approval of alternative design and operating practices according to the following schedule:

A) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with subsection (a).

B) For new tank systems, at least 30 days prior to entering into a contract for installation.

2) As part of the petition, the owner or operator must also submit the following to the Board:

A) A description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in subsection (g)(1) or (g)(2); and

B) The portion of the Part B permit application specified in 35 Ill. Adm. Code 703.202.

3) The owner or operator must complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.

4) The Agency must issue or modify the RCRA permit so as to require the permittee to construct and operate the tank system in the manner that was provided in any Board order approving alternative design and operating practices.

i) All tank systems, until such time as secondary containment that meets the requirements of this Section is provided, must comply with the following:

1) For non-enterable underground tanks, a leak test that meets the requirements of Section 724.291(b)(5) or other tank integrity methods, as approved or required by the Agency, must be conducted at least annually.

2) For other than non-enterable underground tanks, the owner or operator must do either of the following:

A) Conduct a leak test, as in subsection (i)(1); or

B) Develop a schedule and procedure for an assessment of the overall condition of the tank system by a qualified Professional Engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection and the characteristics of the waste being stored or treated.

3) For ancillary equipment, a leak test or other integrity assessment, as approved by the Agency, must be conducted at least annually.

BOARD NOTE: The practices described in the API Publication, "Guide for Inspection of Refinery Equipment", Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as a guideline for assessing the overall condition of the tank system.

4) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with subsections (i)(1) through (i)(3).

5) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (1)(3), the owner or operator must comply with the requirements of Section 724.296.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.294 General Operating Requirements

a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following at a minimum:

1) Spill prevention controls (e.g., check valves, dry disconnect couplings, etc.);

2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

c) The owner or operator must comply with the requirements of Section 724.296 if a leak or spill occurs in the tank system.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.295 Inspections

a) The owner or operator must develop and follow a schedule and procedure for inspecting overfill controls.

b) The owner or operator must inspect at least once each operating day data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design.

BOARD NOTE: Section 724.115(c) requires the owner or operator to remedy any deterioration or malfunction the owner or operator finds. Section 724.296 requires the owner or operator to notify the Agency within 24 hours of confirming a leak. Also federal 40 CFR 302.6 may require the owner or operator to notify the National Response Center of a release.

c) In addition, except as noted under subsection (d), the owner or operator must inspect the following at least once each operating day:

1) Above ground portions of the tank system, if any, to detect corrosion or releases of waste; and

2) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

d) Owners or operators of tank systems that either use leak detection systems to alert facility personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must inspect at least weekly those areas described in subsections (c)(1) and (c)(2). Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

e) This subsection (e) corresponds with 40 CFR 264.195(e), which USEPA removed and marked "reserved". This statement maintains structural consistency with the corresponding federal requirements.

f) Ancillary equipment that is not provided with secondary containment, as described in Section 724.293(f)(1) through (f)(4), must be inspected at least once each operating day.

g) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

2) All sources of impressed current must be inspected or tested, as appropriate, at least bimonthly (i.e., every other month).

BOARD NOTE: The practices described in "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85 and "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

h) The owner or operator must document in the operating record of the facility an inspection of those items in subsections (a) through (c).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.296 Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

a) Cease Using; Prevent Flow or Addition of Wastes. The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of Waste from Tank System or Secondary Containment System

1) If the release was from the tank system, the owner or operator must, within 24 hours after detection of the leak or as otherwise provided in the permit, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or as otherwise provided in the permit to prevent harm to human health and the environment.

c) Containment of Visible Releases to the Environment. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection, do the following:

1) Prevent further migration of the leak or spill to soils or surface water; and

2) Remove and properly dispose of any visible contamination of the soil or surface water.

d) Notifications, Reports

1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours of its detection.

2) A leak or spill of hazardous waste is exempted from the requirements of this subsection (d) if the following is true:

A) The spill was less than or equal to a quantity of one pound (0.45 kg); and

B) It was immediately contained and cleaned up.

3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:

A) Likely route of migration of the release;

B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);

C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available.

D) Proximity the downgradient drinking water, surface water, and populated areas; and

E) Description of response actions taken or planned.

e) Provision of Secondary Containment, Repair, or Closure

1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 724.297.

2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 724.293 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment, as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subsection (e), that component must satisfy the requirements of new tank systems or components in Sections 724.292 and 724.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an in-ground or on-ground tank), the entire component must be provided with secondary containment in accordance with Section 724.293 prior to being returned to use.

f) Certification of Major Repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair, or a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be placed in the operating record and maintained until closure of the facility.

BOARD NOTE: See Section 724.115(c) for the requirements necessary to remedy a failure. Also, federal 40 CFR 302.6 may require the owner or operator to notify the National Response Center of any "reportable quantity".

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.297 Closure and Post-Closure Care

a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure and financial

responsibility for tank systems must meet all of the requirements specified in Subparts G and H.

b) If the owner or operator demonstrates to the Agency by way of permit application that not all contaminated soils can be practicably removed or decontaminated, as required in subsection (a), then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410). In addition, for the purposes of closure, post-closure and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in Subparts G and H.

c) If an owner or operator has a tank system that does not have secondary containment which meets the requirements of Section 724.193(b) through (f), and the owner and operator has not been granted alternative design and operating practices for secondary containment requirements in accordance with Section 724.293(g), then the following apply:

1) The closure plan for the tank system must include both a plan for complying with subsection (a) and a contingent plan for complying with subsection (b).

2) A contingent post-closure plan for complying with subsection (b) must be prepared and submitted as part of the permit application.

3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under subsection (a).

4) Financial assurance must be based on the cost estimates in subsection (c)(3).

5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under Subparts G and H.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.298 Special Requirements for Ignitable or Reactive Waste

a) Ignitable or reactive waste must not be placed in tank systems unless the following is true:

1) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the following is true:

A) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

B) Section 724.117(b) is complied with; or

2) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

3) The tank is used solely for emergencies.

b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in a tank must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code", NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.299 Special Requirements for Incompatible Wastes

a) Incompatible wastes or incompatible wastes and materials must not be placed in the same tank system, unless Section 724.117(b) is complied with.

b) Hazardous waste must not be placed in a tank system that has not been decontaminated and which previously held an incompatible waste or material, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.300 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a tank in accordance with the requirements of Subparts AA, BB, and CC.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART K: SURFACE IMPOUNDMENTS

Section 724.320 Applicability

The regulations in this Subpart K apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.321 Design and Operating Requirements

a) Any surface impoundment that is not covered by subsection (c) or 35 Ill. Adm. Code 725.321 must have a liner for all portions of the impoundment (except for existing portions of such impoundment). The liner must be designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with Section 724.328(a)(1). For impoundments that will be closed in accordance with Section 724.328(a)(2), the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be as follows:

1) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

2) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

3) Installed to cover all surrounding earth likely to be in contact with the waste or leachate.

b) The owner or operator will be exempted from the requirements of subsection (a) if the Board grants an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104. The level of justification is a demonstration by the owner or operator that alternative design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In

deciding whether to grant an adjusted standard, the Board will consider the following:

1) The nature and quantity of the wastes;

2) The proposed alternative design and operation;

3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and groundwater or surface water; and

4) All other factors that would influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

c) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system between such liners. "Construction commences" is as defined in 35 Ill. Adm. Code 720.110, under the definition of "existing facility".

1) Liner Requirements

A) The liner system must include the following:

i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least three feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

B) The liners must comply with subsections (a)(1), (a)(2), and (a)(3).

2) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that is, at a minimum, as follows:

A) It is constructed with a bottom slope of one percent or more;

B) It is constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-1} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-4} m^2/sec or more;

C) It is constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;

D) It is designed and operated to minimize clogging during the active life and post-closure care period; and

E) It is constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sumps. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

3) The owner or operator must collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.

4) The owner or operator of a LDS that is not located completely above the seasonal high water table must demonstrate that the operation of the LDS will not be adversely affected by the presence of groundwater.

d) Subsection (c) will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such surface impoundment, that alternative design or operating practices, together with location characteristics, will do the following:

1) It will prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal system specified in subsection (c); and

2) It will allow detection of leaks of hazardous constituents through the top liner at least as effectively.

e) The double liner requirement set forth in subsection (c) may be waived by the Agency for any monofill, if the following is true of the unit:

1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents that would render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124; and

2) Design and Location

A) Liner, location, and groundwater monitoring.

i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this subsection (e), the term "liner" means a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater, or surface water at any time during the active life of the facility. In the case of any surface impoundment that has been exempted from the requirements of subsection (c) on the basis of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment will comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action;

ii) The monofill is located more than one-quarter mile from an "underground source of drinking water" (as that term is defined in 35 Ill. Adm. Code 702.110); and

iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or

B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.

f) The owner or operator of any replacement surface impoundment unit is exempt from subsection (c) if the following is true of the unit:

1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.321(c), (d), and (e); and

BOARD NOTE: The cited subsections implemented the design standards of sections 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 USC 6924(o)(1)(A)(i) and (o)(5)).

2) There is no reason to believe that the liner is not functioning as designed.

g) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

h) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent massive failure of the dikes. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

i) The Agency must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.322 Action Leakage Rate

a) The Agency must approve an action leakage rate for surface impoundment units subject to Section 724.321(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained

under Section 724.326(d) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period and, if the unit is closed in accordance with Section 724.328(b), monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 724.326(d).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.323 Response Actions

a) The owner or operator of surface impoundment units subject to Section 724.321(c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b).

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator must do the following:

1) Notify the Agency in writing of the exceedance within seven days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days after the determination, as to the amount of liquids, likely sources of liquids, possible location, size and cause of any leaks, and short-term actions taken and planned;

3) Determine to the extent practicable the location, size, and cause of any leak;

4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs or controls, and whether or not the unit should be closed;

5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and (b)(5), the owner or operator must do either of the following:

1) Perform the following assessments:

A) Assess the source of liquids and amounts of liquids by source;

B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

2) Document why such assessments are not needed.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.326 Monitoring and Inspection

a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from Section 724.321(a)) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, and blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of that liner or cover.

b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions, or improper operation of overtopping control systems;

2) Sudden drops in the level of the impoundment's contents; and

3) Severe erosion or other signs of deterioration in dikes or other containment devices.

c) Prior to the issuance of a permit, and after any extended period of time (more than six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike that provides freeboard,

has structural integrity. The certification must establish, in particular, that the following are true of the dike:

1) It will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

2) It will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

d) Monitoring of LDS.

1) An owner or operator required to have a LDS under Section 724.321(c) or (d) must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

3) "Pump operating level" is a liquid level proposed by the owner or operator pursuant to 35 Ill. Adm. Code 703.203(b)(5) and approved by the Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.327 Emergency Repairs; Contingency Plans

a) A surface impoundment must be removed from service in accordance with subsection (b) when either of the following occurs:

1) The level of liquids in the impoundment suddenly drops and the drop is not known to be caused by changes in the flows into or out of the impoundment; or

2) The dike leaks.

b) When a surface impoundment must be removed from service as required by subsection (a), the owner or operator must do the following:

1) Immediately shut off the flow or stop the addition of wastes into the impoundment;

2) Immediately contain any surface leakage that has occurred or is occurring;

3) Immediately stop the leak;

4) Take any other necessary steps to stop or prevent catastrophic failure;

5) If a leak cannot be stopped by any other means, empty the impoundment; and

6) Notify the Agency of the problem in writing within seven days after detecting the problem.

c) As part of the contingency plan required in Subpart D, the owner or operator must specify a procedure for complying with the requirements of subsection (b).

d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment that was failing is repaired and the following steps are taken:

1) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be re-certified in accordance with Section 724.326(c).

2) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then the following apply:

A) For any existing portion of the impoundment, a liner must be installed in compliance with Section 724.321(a) or 724.322; and

B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

e) A surface impoundment that has been removed from service in accordance with the requirements of this Section and that is not being repaired must be closed in accordance with the provisions of Section 724.328.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.328 Closure and Post-Closure Care

a) At closure, the owner or operator must do the following:

1) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils and structures,

and equipment contaminated with waste and leachate, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies; or

2) Closure in Place

A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

B) Stabilize remaining wastes to a bearing capacity sufficient to support final cover; and

C) Cover the surface impoundment with a final cover designed and constructed to do the following:

i) Provide long-term minimization of the migration of liquids through the closed impoundment;

ii) Function with minimum maintenance;

iii) Promote drainage and minimize erosion or abrasion of the final cover;

iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

b) If some waste residues or contaminated materials are left in place at final closure, the owner or operator must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator must do the following:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap, as necessary to correct the effects of settling, subsidence, erosion, or other events;

2) Maintain and monitor the LDS in accordance with Sections 724.321(c)(2)(D) and (c)(3) and 724.326(d), and comply with all other applicable LDS requirements of this Part;

3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F; and

4) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

c) Contingent Plans

1) If an owner or operator plans to close a surface impoundment in accordance with subsection (a)(1), and the impoundment does not comply with the liner requirements of Section 724.321(a) and is not exempt from them in accordance with Section 724.321(b), then the following apply:

A) The closure plan for the impoundment under Section 724.212 must include both a plan for complying with subsection (a)(1) and a contingent plan for complying with subsection (a)(2) in case not all contaminated subsoils can be practicably removed at closure; and

B) The owner or operator must prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of an impoundment subject to this subsection (c) must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under subsection (a)(1).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.329 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of 35 Ill. Adm. Code 728 and the following:

a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the following is true:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with;

b) The waste is managed in such a way that it is protected from any material or conditions that may cause it to ignite or react; or

c) The surface impoundment is used solely for emergencies.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.330 Special Requirements for Incompatible Wastes

Incompatible wastes or incompatible wastes and materials (see Appendix E for examples) must not be placed in the same surface impoundment, unless Section 724.117(b) is complied with.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

b) The Agency may determine that additional design, operating and monitoring requirements are necessary for surface impoundments managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to adequately protect human health and the environment.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

Section 724.332 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a surface impoundment in accordance with the requirements of Subparts BB and CC.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART L: WASTE PILES

Section 724.350 Applicability

a) The regulations in this Subpart L apply to owners and operators of facilities that store or treat hazardous waste in piles, except as Section 724.101 provides otherwise.

b) The regulations in this Subpart L do not apply to owners or operators of waste piles that are closed with wastes left in place. Such waste piles are subject to regulation under Subpart N (Landfills).

c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under Section 724.351 or under Subpart F (Groundwater Protection), provided that the following is true:

1) Liquids or materials containing free liquids are not placed in the pile;

2) The pile is protected from surface water run-on by the structure or in some other manner;

3) The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting; and

4) The pile will not generate leachate through decomposition or other reactions.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.351 Design and Operating Requirements

a) A waste pile (except for an existing portion of a waste pile) must have the following:

1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the pile into the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or groundwater or surface water) during the active life of the facility. The liner must be as follows:

A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate

to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The Agency must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be as follows:

A) Constructed of materials that are as follows:

i) Chemically resistant to the waste managed in the pile and the leachate expected to be generated; and

ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the pile; and

B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

b) The owner or operator will be exempted from the requirements of subsection (a) if the Board grants an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104. The level of justification is a demonstration by the owner or operator that alternative design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:

1) The nature and quantity of the wastes;

2) The proposed alternative design and operation;

3) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and groundwater or surface water; and

4) All other factors that influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

c) The owner or operator of each new waste pile unit, each lateral expansion of a waste pile unit, and each replacement of an existing waste pile unit must install two or more liners and a leachate collection and removal system above and between such liners.

1) Liners

A) The liner system must include the following:

i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

B) The liners must comply with subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C).

2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The Agency must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and (c)(3)(D).

3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the

active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that is, at a minimum, as follows:

A) Constructed with a bottom slope of one percent or more;

B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more;

C) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the waste pile;

D) Designed and operated to minimize clogging during the active life and post-closure care period; and

E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sumps. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

4) The owner or operator must collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.

5) The owner or operator of a LDS that is not located completely above the seasonal high water table must demonstrate that the operation of the LDS will not be adversely affected by the presence of groundwater.

d) The Agency must approve alternative design or operating practices to those specified in subsection (c) if the owner or operator demonstrates to the Agency, by way of permit or permit modification application, that such design or operating practices, together with location characteristics, will do the following:

1) Will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in subsection (c); and

2) Will allow detection of leaks of hazardous constituents through the top liner at least as effectively.

e) Subsection (c) does not apply to monofills that are granted a waiver by the Agency in accordance with Section 724.321(e).

f) The owner or operator of any replacement waste pile unit is exempt from subsection (c) if the following are true:

1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 USC 6924(o)(1)(A)(i) and (o)(5)); and

BOARD NOTE: The cited provisions required the installation of two or more liners and a leachate collection system above (in the case of a landfill) and between such liners, including a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period the facility remained in operation (including any post-closure monitoring period), and a lower liner to prevent the migration of any constituent through the liner during such period. The lower liner was deemed to satisfy the requirement if it was constructed of at least a 3-foot thick layer of recompacted clay or other natural material with a permeability of no more than 1×10^{-7} cm/sec.

2) There is no reason to believe that the liner is not functioning as designed.

g) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.

h) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

i) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

j) If the pile contains any particulate matter that may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

k) The Agency must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.352 Action Leakage Rate

a) The Agency must approve an action leakage rate for waste pile units subject to Section 724.351(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of

drainage material, etc.), construction, operation, and location of the LDS; waste and leachate characteristics; likelihood and amounts of other sources of liquids in the LDS; and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.354(c) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period.

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

Section 724.353 Response Action Plan

a) The owner or operator of waste pile units subject to Section 724.351(c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b).

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator must do the following:

1) Notify the Agency in writing of the exceedance within seven days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days after the determination, as to the amount of liquids, likely sources of liquids, possible location, size and cause of any leaks, and short-term actions taken and planned;

3) Determine to the extent practicable the location, size, and cause of any leak;

4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether the unit should be closed;

5) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS

exceeds the action leakage rate, the owner or operator must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and (b)(5), the owner or operator must do either of the following:

1) Perform the following assessments:

A) Assess the source of liquids and amounts of liquids by source;

B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

2) Document why such assessments are not needed.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.354 Monitoring and Inspection

a) During construction or installation, liners (except in the case of existing portions of piles exempt from Section 724.351(a)) and cover systems (e.g., membranes, sheets or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, the following must be done:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, and blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

2) Proper functioning of wind dispersal control systems, where present; or

3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

c) An owner or operator required to have a LDS under Section 724.351(c) must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.356 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a waste pile, unless the waste and waste pile satisfy all applicable requirements of 35 Ill. Adm. Code 728, and the following:

a) The waste is treated, rendered, or mixed before or immediately after placement in the pile so that the following is true:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions that may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.357 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 pile, unless Section 724.117(b) is complied with.

b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in containers, other 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.

c) Hazardous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with Section 724.117(b).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.358 Closure and Post-Closure Care

a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste, unless 35 Ill. Adm. 721.103(d) applies.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment, as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, it must close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410).

c) Contingent Closure Plan

1) The owner or operator of a waste pile that does not comply with the liner requirements of Section 724.351(a)(1), and is not exempt from them in accordance with Sections 724.350(c) or 724.351(b), must do the following:

A) Include in the closure plan for the pile under Section 724.212 both a plan for complying with subsection (a) and a contingent plan for complying with subsection (b) in case not all contaminated subsoils can be practicably removed at closure; and

B) Prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 724.242 and 724.244 for closure and post-closure care of a pile subject to this subsection (b) must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under subsection (a).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in Section 724.350(c)) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out

in this subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

b) The Agency may determine that additional design, operating and monitoring requirements are necessary for piles managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to adequately protect human health and the environment.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

SUBPART M: LAND TREATMENT

Section 724.370 Applicability

The regulations in this Subpart M apply to owners and operators of facilities that treat or dispose of hazardous waste in land treatment units, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.371 Treatment Program

a) An owner or operator subject to this Subpart M must establish a land treatment program that is designed to ensure that hazardous constituents placed in or on the treatment zone are degraded, transformed or immobilized within the treatment zone. The Agency must specify in the facility permit the elements of the treatment program, including the following:

1) The wastes that are capable of being treated at the unit based on a demonstration under Section 724.372;

2) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with Section 724.373(a); and

3) Unsaturated zone monitoring provisions meeting the requirements of Section 724.378.

b) The Agency must specify in the facility permit the hazardous constituents that must be degraded, transformed or immobilized under this Subpart M. Hazardous constituents are constituents identified in Appendix H to 35 Ill. Adm. Code 721 that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

c) The Agency must specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below and including the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of hazardous constituents. The maximum depth of the treatment zone must be as follows:

1) No more than 1.5 meters (5 feet) from the initial soil surface; and

2) More than 1 meter (3 feet) above the seasonal high water table.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.372 Treatment Demonstration

a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that the hazardous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required pursuant to subsection (a), it must obtain a treatment or disposal permit pursuant to 35 Ill. Adm. Code 703.230. The Agency must specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in subsection (c).

c) Any field test or laboratory analysis conducted in order to make a demonstration pursuant to subsection (a) must meet the following requirements:

1) It must accurately simulate the characteristics and operating conditions for the proposed land treatment unit including the following:

A) The characteristics of the waste (including the presence of constituents of Appendix H to 35 Ill. Adm. Code 721);

B) The climate in the area;

C) The topography of the surrounding area;

D) The characteristics of the soil in the treatment zone (including depth); and

E) The operating practices to be used at the unit;

2) It must be likely to show that hazardous constituents in the waste to be tested will be completely degraded, transformed or immobilized in the treatment zone of the proposed land treatment unit; and

3) It must be conducted in a manner that adequately protects human health and the environment considering the following:

A) The characteristics of the waste to be tested;

B) The operating and monitoring measures taken during the course of the test;

C) The duration of the test;

D) The volume of waste used in the test;

E) In the case of field tests, the potential for migration of hazardous constituents to groundwater or surface water.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.373 Design and Operating Requirements

The Agency must specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this Section.

a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of hazardous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accord with all design and operating conditions that were used in the treatment demonstration under Section 724.372. At a minimum, the Agency must specify the following in the facility permit:

1) The rate and method of waste application to the treatment zone;

2) Measures to control soil pH;

3) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling, etc.); and

4) Measures to control the moisture content of the treatment zone.

b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of hazardous constituents during the active life of the land treatment unit.

c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a 25-year storm.

d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain the design capacity of the system.

f) If the treatment zone contains particulate matter that may be subject to wind dispersal, the owner or operator must manage the unit to control wind dispersal.

g) The owner or operator must inspect the unit weekly and after storms to detect evidence of the following:

1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and

2) Improper functioning of wind dispersal control measures.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.376 Food-Chain Crops

The Agency may allow the growth of food-chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this Section. The Agency must specify in the facility permit the specific food-chain crops that may be grown.

a) Food-Chain Crops Grown in the Treatment Zone

1) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that the following is true of hazardous constituents other than cadmium:

A) They will not be transferred to the food or feed portions 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) They will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

2) The owner or operator must make the demonstration required under this subsection (a) prior to the planting of crops at the facility for all constituents identified in Appendix H to 35 Ill. Adm. Code 721 that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

3) In making a demonstration under this subsection (a), the owner or operator may use field tests, greenhouse studies, available data or, in the case of existing units, operating data, and must do the following:

A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

4) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration required under this subsection (a), it must obtain a permit for conducting such activities.

b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone:

1) Limited Cadmium Application

A) The pH of the waste and soil mixture must be 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 must not exceed 0.5 kg/ha (0.45 lb/acre) 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 must not exceed 0.5 kg/ha (0.45 lb/acre).

C) The cumulative application of cadmium from waste must not exceed 5 kg/ha if the waste and soil mixture has a pH of less than 6.5; and

D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 50 milliequivalents per kilogram (50 meq/kg); 10 kg/ha if soil CEC is 50 to 150 meq/kg; and 20 kg/ha if soil CEC is greater than 150 meq/kg; or

2) Limited Future Use of Land and Crops

A) Animal feed must be the only food-chain crop produced;

B) The pH of the waste and soil mixture must be 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 must be maintained whenever food-chain crops are grown;

C) There must be an operating plan that demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

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

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.378 Unsaturated Zone Monitoring

An owner or operator subject to this Subpart M must establish an unsaturated zone monitoring program to carry out the following responsibilities:

a) The owner or operator must monitor the soil and soil-pore liquid to determine whether hazardous constituents migrate out of the treatment zone.

1) The Agency must specify the hazardous constituents to be monitored in the facility permit. The hazardous constituents to be monitored are those specified under Section 724.371(b).

2) The Agency may require monitoring for principal hazardous constituents (PHCs) in lieu of the constituents specified under Section 724.371(b). PCHs are hazardous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The Agency must establish PHCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation transformation or immobilization of the PHCs will assure treatment at least equivalent levels for the other hazardous constituents in the wastes.

b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that fulfill the following:

1) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

2) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

c) The owner or operator must establish a background value for each hazardous constituent to be monitored under subsection (a). The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

1) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

2) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

3) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under subsection (f).

4) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with subsection (b)(1).

d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The Agency must specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under subsection (f).

e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for the following:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

f) The owner or operator must determine whether there is a statistically significant change over background values for any hazardous constituent to be monitored under subsection (a) below the treatment zone each time it conducts soil monitoring and soil-pore liquid monitoring under subsection (d).

1) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under subsection (d), to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection (f).

2) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The Agency must specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

3) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The Agency must specify a statistical procedure in the facility permit that it finds fulfills the following:

A) Is appropriate for the distribution of the data used to establish background values; and

B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

g) If the owner or operator determines, pursuant to subsection (f), that there is a statistically significant increase of hazardous constituents below the treatment zone, it must do the following:

1) Notify the Agency of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases.

2) Within 90 days, submit to the Agency an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.

h) If the owner or operator determines, pursuant to subsection (f), that there is a statistically significant increase of hazardous constituents below the treatment zone, it may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection (h) in addition to, or in lieu of, submitting a permit modification application under subsection (g)(2), it is not relieved of the requirement to submit a permit modification application within the time specified in subsection (g)(2), unless the demonstration made under this subsection (h) successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection (h), the owner or operator must do the following:

1) Notify the Agency in writing within seven days of determining a statistically significant increase below the treatment zone that the owner or operator intends to make a determination under this subsection (h);

2) Within 90 days, submit a report to the Agency demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

3) Within 90 days, submit to the Agency an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

4) Continue to monitor in accordance with the unsaturated zone monitoring program established under this Section.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.379 Recordkeeping

The owner or operator must include hazardous waste application dates and rates in the operating record required under Section 724.173.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.380 Closure and Post-Closure Care

a) During the closure period the owner or operator must do the following:

1) It must continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone, as required under Section 724.373(a), except to the extent such measures are inconsistent with subsection (a)(8);

2) It must continue all operations in the treatment zone to minimize run-off of hazardous constituents, as required under Section 724.373(b);

3) It must maintain the run-on control system required under Section 724.373(c);

4) It must maintain the run-off management system required under Section 724.373(d);

5) It must control wind dispersal of hazardous waste if required under Section 724.373(f);

6) It must continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376;

7) It must continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone; and

8) It must establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of hazardous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

b) For the purpose of complying with Section 724.215, when closure is completed the owner or operator may submit to the Agency certification by an independent qualified soil scientist, in lieu of a qualified Professional Engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

c) During the post-closure care period the owner or operator must do the following:

1) It must continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of hazardous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;

2) It must maintain a vegetative cover over closed portions of the facility;

3) It must maintain the run-on control system required under Section 724.373(c);

4) It must maintain the run-off management system required under Section 724.373(d);

5) It must control wind dispersal of hazardous waste if required under Section 724.373(f);

6) It must continue to comply with any prohibitions or conditions concerning growth of food-chain crops under Section 724.376; and

7) It must continue unsaturated zone monitoring in compliance with Section 724.378, except that soil-pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone.

d) The owner or operator is not subject to regulation under subsections (a)(8) and (c) if the Agency finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in subsection (d)(3). The owner or operator may submit such a demonstration to the Agency at any time during the closure or post-closure care periods. For the purposes of this subsection (d), the owner or operator must do the following:

1) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all hazardous constituents specified in the facility permit under Section 724.371.

A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone.

B) The owner or operator must express background values and values for hazardous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under subsection (d)(3).

2) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively.

3) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that does the following:

A) It is appropriate for the distribution of the data used to establish background values; and

B) It provides a reasonable balance between the probability of falsely identifying hazardous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

e) The owner or operator is not subject to regulation under Subpart F if the Agency finds that the owner or operator satisfies subsection (d) and if unsaturated zone monitoring under Section 724.378 indicates that hazardous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.381 Special Requirements for Ignitable or Reactive Waste

The owner or operator must not apply ignitable or reactive waste to the treatment zone, unless the waste and the treatment zone satisfy all applicable requirements of 35 Ill. Adm. Code 728, and the following is true:

a) The waste is immediately incorporated into the soil so that the following is true:

1) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions that may cause it to ignite or react.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.382 Special Requirements for Incompatible Wastes

The owner or operator must not place incompatible wastes, or incompatible wastes and materials (see Appendix E for examples), in or on the same treatment zone, unless Section 724.117(b) is complied with.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring techniques.

b) The Agency may determine that additional design, operating and monitoring requirements are necessary for land treatment facilities managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to adequately protect human health and the environment.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

SUBPART N: LANDFILLS

Section 724.400 Applicability

The regulations in this Subpart N apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.401 Design and Operating Requirements

a) Any landfill that is not covered by subsection (c) or 35 Ill. Adm. Code 725.401(a) must have a liner system for all portions of the landfill (except for existing portions of such landfill). The liner system must have the following:

1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must fulfill the following:

A) It must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

B) It must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

C) It must be installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The Agency must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must fulfill the following:

A) Constructed of materials that fulfill the following:

i) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and any equipment used at the landfill; and

B) Designed and operated to function without clogging through the scheduled closure of the landfill.

b) The owner or operator will be exempted from the requirements of subsection (a) if the Board grants an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104. The level of justification is a demonstration by the owner or operator that alternative design or operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the groundwater or surface water at any future time. In deciding whether to grant an adjusted standard, the Board will consider the following:

1) The nature and quantity of the wastes;

2) The proposed alternative design and operation;

3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and groundwater or surface water; and

4) All other factors that influence the quality and mobility of the leachate produced and the potential for it to migrate to groundwater or surface water.

c) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commenced after July 29, 1992, and each replacement of an

existing landfill unit that was to commence reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system above and between such liners. "Construction commenced" is as defined in 35 Ill. Adm. Code 720.110 under "existing facility".

1) Liner requirements.

A) The liner system must include the following:

i) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into such liner during the active life and post-closure care period; and

ii) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of hazardous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of hazardous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

B) The liners must comply with subsections (a)(1)(A), (a)(1)(B), and (a)(1)(C).

2) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The Agency must specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must comply with subsections (c)(3)(C) and (c)(3)(D).

3) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system (LDS). This LDS must be capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a LDS in this subsection (c) are satisfied by installation of a system that, at a minimum, fulfills the following:

A) It is constructed with a bottom slope of one percent or more;

B) It is constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more;

C) It is constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;

D) It is designed and operated to minimize clogging during the active life and post-closure care period; and

E) It is constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sumps. The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

4) The owner or operator must collect and remove pumpable liquids in the LDS sumps to minimize the head on the bottom liner.

5) The owner or operator of a LDS that is not located completely above the seasonal high water table must demonstrate that the operation of the LDS will not be adversely affected by the presence of ground water.

d) Subsection (c) will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such landfill, that alternative design or operating practices, together with location characteristics, will do the following:

1) It will prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as the liners and leachate collection and removal systems, specified in subsection (c); and

2) It will allow detection of leaks of hazardous constituents through the top liner at least as effectively.

e) The Agency must not require a double liner as set forth in subsection (c) for any monofill, if the following is true:

1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents that render the wastes hazardous for reasons other than the toxicity characteristics in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

2) No Migration Demonstration

A) Design and Location Requirements

i) The monofill has at least one liner for which there is no evidence that such liner is leaking;

ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110; and

iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or

B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.

f) The owner or operator of any replacement landfill unit is exempt from subsection (c) if the following is true:

1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.401(c), (d), and (e); and
BOARD NOTE: The cited subsections implemented the design standards of sections 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act (42 USC 6924(o)(1)(A)(i) and (o)(5)).

2) There is no reason to believe that the liner is not functioning as designed.

g) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

h) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

i) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

j) If the landfill contains any particulate matter that may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

k) The Agency must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.402 Action Leakage Rate

a) The Agency must approve an action leakage rate for landfill units subject to Section 724.401(c) or (d). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under Section 724.403(c) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period and monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 724.403(c)(2).

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.403 Monitoring and Inspection

a) During construction or installation, liners (except in the case of existing portions of landfills exempt from Section 724.401(a)) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation the following must occur:

1) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

2) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the permeability of the liner or cover.

b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

2) Proper functioning of wind dispersal control systems, where present; and

3) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

c) Monitoring of LDS.

1) An owner or operator required to have a LDS under Section 724.401(c) or (d) must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

3) "Pump operating level" is a liquid level proposed by the owner or operator pursuant to 35 Ill. Adm. Code 703.207(b)(1)(E) and approved by the Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.404 Response Actions

a) The owner or operator of landfill units subject to Section 724.401(c) or (d) must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b).

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator must do the following:

1) Notify the Agency in writing of the exceedance within seven days of the determination;

2) Submit a preliminary written assessment to the Agency within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

3) Determine to the extent practicable the location, size, and cause of any leak;

4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether the unit should be closed;

5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3), (b)(4), and (b)(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

c) To make the leak or remediation determinations in subsections (b)(3), (b)(4), and (b)(5), the owner or operator must do either of the following:

1) Perform the following assessments:

A) Assess the source of liquids and amounts of liquids by source;

B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks and the hazard and mobility of the liquid; and

C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

2) Document why such assessments are not needed.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.409 Surveying and Recordkeeping

The owner or operator of a landfill must maintain the following items in the operating record required under Section 724.173:

a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

b) The contents of each cell and the approximate location of each hazardous waste type within each cell.

Section 724.410 Closure and Post-Closure Care

a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to do the following:

1) Provide long-term minimization of migration of liquids through the closed landfill;

2) Function with minimum maintenance;

3) Promote drainage and minimize erosion or abrasion of the cover;

4) Accommodate settling and subsidence so that the cover's integrity is maintained; and

5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

b) After final closure, the owner or operator must comply with all post-closure requirements contained in Sections 724.217 through 724.220, including maintenance and monitoring throughout the post-closure care period (specified in the permit under Section 724.217). The owner or operator must do the following:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

2) Continue to operate the leachate collection and removal system until leachate is no longer detected;

3) Maintain and monitor the LDS in accordance with Sections 724.401(c)(3)(D) and (c)(4) and 724.403(c), and comply with all other applicable LDS requirements of this Part;

4) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F;

5) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

6) Protect and maintain surveyed benchmarks used in complying with Section 724.409.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.412 Special Requirements for Ignitable or Reactive Waste

a) Except as provided in subsection (b) and in Section 724.416, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of 35 Ill. Adm. Code 728, and the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that the following is true:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with.

b) Except for prohibited wastes that remain subject to treatment standards in Subpart D to 35 Ill. Adm. Code 728, ignitable waste in containers may be landfilled without meeting the requirements of subsection (a), provided that the wastes are disposed of in such a way that they are protected from any material or conditions that may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers that are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes that may generate heat sufficient to cause ignition of the waste.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.413 Special Requirements for Incompatible Wastes

Incompatible wastes or incompatible wastes and materials (see Appendix E for examples) must not be placed in the same landfill cell, unless Section 724.117(b) is complied with.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.414 Special Requirements for Bulk and Containerized Liquids

a) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

b) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095B (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

c) Containers holding free liquids must not be placed in a landfill unless the following is true:

1) All free-standing liquid fulfills one of the following:

A) It has been removed by decanting or other methods;

B) It has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or

C) It 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.

d) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are the following: materials listed or described in subsection (d)(1); materials that pass one of the tests in subsection (d)(2); or materials that are determined by the Board to be nonbiodegradable through the adjusted standard procedure of 35 Ill. Adm. Code 104.

1) Nonbiodegradable sorbents are the following:

A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates (clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites, etc.), calcium carbonate (organic free limestone), oxides/hydroxides (alumina, lime, silica (sand), diatomaceous earth, etc.), perlite (volcanic glass), expanded volcanic rock, volcanic ash, cement kiln dust, fly ash, rice hull ash, activated charcoal (activated carbon), etc.); or

B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstrene and tertiary butyl copolymers, etc.). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for nonbiodegradable sorbents are the following:

A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a) (Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi), incorporated by reference in 35 Ill. Adm. Code 720.111(a);

B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) (Standard Practice for Determining Resistance of Plastics to Bacteria), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

C) The sorbent material is determined to be non-biodegradable under OECD Guideline for Testing of Chemicals, Method 301B (CO_2 Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

e) The placement of any liquid that is not a hazardous waste in a hazardous waste landfill is prohibited (35 Ill. Adm. Code 729.311), unless the Board finds that the owner or operator has demonstrated the following in a petition for an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 101 and 104:

1) The only reasonably available alternative to the placement in a hazardous waste landfill is placement in a landfill or unlined surface impoundment,

whether or not permitted or operating under interim status, that contains or which may reasonably be anticipated to contain hazardous waste; and

2) Placement in the hazardous waste landfill will not present a risk of contamination of any "underground source of drinking water" (as that term is defined in 35 Ill. Adm. Code 702.110).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.415 Special Requirements for Containers

Unless they are very small, such as an ampule, containers must be either of the following:

a) At least 90 percent full when placed in the landfill; or

b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

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. The inside containers must be tightly and securely sealed. The inside containers must be of the size and type specified in the USDOT hazardous materials regulations (49 CFR 173 (Shippers—General Requirements for Shipments and Packages), 178 (Specifications for Packagings), and 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b)), if those regulations specify a particular inside container for the waste.

b) The inside containers must be overpacked in an open head USDOT-specification metal shipping container (49 CFR 178 (Specifications for Packagings) and 179 (Specifications for Tank Cars)) of no more than 416 ℓ (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with Section 724.414(d), to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material.

c) In accordance with Section 724.117(b), the sorbent 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 724.117(b).

d) Incompatible waste, 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 subsections (a) through (d). Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (a) through (d) without first being treated or rendered non-reactive.

f) Such disposal is in compliance with 35 Ill. Adm. Code 728. Persons who incinerate lab packs according to 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the USDOT specifications in 49 CFR 173.12 (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and be overpacked according to the requirements of subsection (b).

g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

a) Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in a landfill, unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the Agency pursuant to the standards set out in this subsection (a), and in accord with all other applicable requirements of this Part. The factors to be considered are the following:

1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

2) The attenuative properties of underlying and surrounding soils or other materials;

3) The mobilizing properties of other materials co-disposed with these wastes; and

4) The effectiveness of additional treatment, design, or monitoring requirements.

b) The Agency may determine that additional design, operating, and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to groundwater, surface water, or air so as to adequately protect human health and the environment.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

SUBPART O: INCINERATORS

Section 724.440 Applicability

a) The regulations in this Subpart O apply to owners and operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as Section 724.101 provides otherwise.

b) Integration of the MACT Standards

1) Except as provided by subsections (b)(2) through (b)(4), the standards of this Part do not apply to a new hazardous waste incineration unit that became subject to RCRA permit requirements after October 12, 2005; or no longer apply when the owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, pursuant to 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with the requirements of subpart EEE of 40 CFR 63.

2) The MACT standards of subpart EEE of 40 CFR 63 do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC.

3) The particulate matter standard of Section 724.443(c) remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14) and 63.1219(e) (When and How Must You Comply with the Standards and Operating Requirements?), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

4) The following requirements remain in effect for startup, shutdown, and malfunction events if the owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from the following events:

A) Section 724.445(a), requiring that an incinerator operate in accordance with operating requirements specified in the permit; and

B) Section 724.445(c), requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (September 30, 1999)):

> Under this approach ..., MACT air emissions and related operating requirements are to be included in Title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

c) After consideration of the waste analysis included with Part B of the permit application, the Agency, in establishing the permit conditions, must exempt the applicant from all requirements of this Subpart O, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure):

1) If the Agency finds that the waste to be burned is one of the following:

A) It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;

B) It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721 solely because it is reactive (Hazard Code R) for characteristics other than those listed in Section 721.123(a)(4) and

(5), and will not be burned when other hazardous wastes are present in the combustion zone;

C) It is a hazardous waste solely because it possesses the characteristic of ignitability, as determined by the test for characteristics of hazardous wastes pursuant to Subpart C of 35 Ill. Adm. Code 721; or

D) It is a hazardous waste solely because it possesses any of the reactivity characteristics described by 35 Ill. Adm. Code 721.123(a)(1), (a)(2), (a)(3), (a)(6), (a)(7), and (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone; and

2) If the waste analysis shows that the waste contains none of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721 that would reasonably be expected to be in the waste.

d) If the waste to be burned is one that is described by subsection (b)(1)(A), (b)(1)(B), (b)(1)(C), or (b)(1)(D) and contains insignificant concentrations of the hazardous constituents listed in Subpart H of 35 Ill. Adm. Code 721, then the Agency may, in establishing permit conditions, exempt the applicant from all requirements of this Subpart O, except Section 724.441 (Waste Analysis) and Section 724.451 (Closure), after consideration of the waste analysis included with Part B of the permit application, unless the Agency finds that the waste will pose a threat to human health or the environment when burned in an incinerator.

e) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of 35 Ill. Adm. Code 703.222 through 703.225 (short-term and incinerator permits).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.441 Waste Analysis

a) As a portion of the trial burn plan required by 35 Ill. Adm. Code 703.222 through 703.225, or with Part B of the permit application, the owner or operator must have included an analysis of the waste feed sufficient to provide all information required by 35 Ill. Adm. Code 703.223 or 703.205. Owners or operators of new hazardous waste incinerators must provide the information required by 35 Ill. Adm. Code 703.224 or 703.205 to the greatest extent possible.

b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in the permit (under Section 724.445(b)).

Section 724.442 Principal Organic Hazardous Constituents (POHCs)

a) Principal organic hazardous constituents (POHCs) in the waste feed must be treated to the extent required by the performance standard of Section 724.443.

b) Designation of POHCs.

1) One or more POHCs will be specified in the facility's permit, from among those constituents listed in Appendix H to 35 Ill. Adm. Code 721 for each waste feed to be burned. This specification will be based on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents that represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs. Constituents are more likely to be designated as POHCs if they are present in large quantities or concentrations in the waste.

2) Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in 35 Ill. Adm. Code 703.222 through 703.225 for obtaining trial burn permits.

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.443 Performance Standards

An incinerator burning hazardous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under Section 724.445, it will meet the following performance standards:

a) Destruction and Removal Efficiency

1) Except as provided in subsection (a)(2), an incinerator burning hazardous waste must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$\text{DRE} = \frac{100 \times (\text{N} - \text{O})}{\text{N}}$$

Where:

N = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator

O = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere

2) An incinerator burning hazardous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) designated (under Section 724.442) in its permit. This performance must be demonstrated on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1).

b) An incinerator burning hazardous waste and producing stack emissions of more than 1.8 kg (4 lbs) per hour of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kg (4 lbs) per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

c) An incinerator burning hazardous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the following formula:

$$C = \frac{14 \times M}{21 - Y}$$

1) Where:
C = the corrected concentration of particulate matter
M = the measured concentration of particulate matter
Y = the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in Reference Method 3 in appendix A to 40 CFR 60 (Gas Analysis for the Determination of Dry Molecular Weight), incorporated by reference in 35 Ill. Adm. Code 720.111(b)

2) This correction procedure is to be used by all hazardous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the Agency must select an appropriate correction procedure, to be specified in the facility permit.

d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 724.445) will be regarded as compliance with this Section. However, evidence that compliance with those

permit conditions is insufficient to ensure compliance with the performance requirements of this Section may be "information" justifying modification, revocation or reissuance of a permit under 35 Ill. Adm. Code 702.184.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.444 Hazardous Waste Incinerator Permits

a) The owner or operator of a hazardous waste incinerator may burn only wastes specified in its permit and only under operating conditions specified for those wastes under Section 724.445 except the following:

1) In approved trial burns under 35 Ill. Adm. Code 703.222 through 703.225; or

2) Under exemptions created by Section 724.440.

b) Other hazardous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.205.

c) The permit for a new hazardous waste incinerator must establish appropriate conditions for each of the applicable requirements of this Subpart O, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of Section 724.445, sufficient to comply with the following standards:

1) For the period beginning with initial introduction of hazardous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in subsection (c)(2), not to exceed a duration of 720 hours operating time for treatment of hazardous waste, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443, based on the Agency's engineering judgement. The Agency may extend the duration of this period once for up to 720 additional hours when good cause for the extension is demonstrated by the applicant

2) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of Section 724.443 and must be in accordance with the approved trial burn plan;

3) For the period immediately following completion of the trial burn and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant and review of the trial burn results and modification of the facility permit by the Agency, the operating requirements must be those most likely to ensure compliance with the performance standards of Section 724.443 based on the Agency's engineering judgment.

4) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.205(c), as sufficient to ensure compliance with the performance standards of Section 724.443.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.445 Operating Requirements

a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in Section 724.444(b) and included with Part B of the facility's permit application) to be sufficient to comply with the performance standards of Section 724.443.

b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed that will not affect compliance with the performance requirement of Section 724.443) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits, including the following conditions:

1) Carbon monoxide (CO) level in the stack exhaust gas;

2) Waste feed rate;

3) Combustion temperature;

4) An appropriate indicator of combustion gas velocity;

5) Allowable variations in incinerator system design or operating procedures; and

6) Such other operating requirements as are necessary to ensure that the performance standards of Section 724.443 are met.

c) During start-up and shut-down of an incinerator, hazardous waste (except wastes exempted in accordance with Section 724.440) must not be fed into the

incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

d) Fugitive emissions from the combustion zone must be controlled by the following:

1) Keeping the combustion zone totally sealed against fugitive emissions;

2) Maintaining a combustion zone pressure lower than atmospheric pressure; or

3) An alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under subsection (a).

f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.447 Monitoring and Inspections

a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating hazardous waste:

1) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis.

2) Carbon monoxide must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere.

3) Upon request by the Agency, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieved the performance standard of Section 724.443.

b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be subjected to thorough visual inspection, at least daily, for leaks, spills, fugitive emissions and signs of tampering.

c) The emergency waste feed cutoff system and associated alarms must be tested at least weekly to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, operational testing must be conducted at least monthly.

d) This monitoring and inspection data must be recorded and the records must be placed in the operating record required by Section 724.173 and maintained in the operating record for five years.

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

Section 724.451 Closure

At closure the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(d), that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with applicable requirements of 35 Ill. Adm. Code 722 through 728.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

SUBPART S: SPECIAL PROVISIONS FOR CLEANUP

Section 724.650 Applicability of Corrective Action Management Unit Regulations

a) Except as provided in subsection (b), a CAMU is subject to the requirements of Section 724.652.

b) A CAMU that is approved before April 22, 2002, or for which substantially complete applications (or equivalents) were submitted to the Agency on or before November 20, 2000, is subject to the requirements in Section 724.651 for a grandfathered CAMU. Within a grandfathered CAMU, CAMU waste, activities, and design will not be subject to the standards in Section 724.652, so long as the waste, activities, and design remain within the general scope of the CAMU, as approved.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.651 Grandfathered Corrective Action Management Units

a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit in accordance with the requirements of this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing remediation wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.

2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Designation of a CAMU

1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if the following is true:

A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and

B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency must designate a CAMU in accordance with the following factors:

1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

3) The CAMU must include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is

more protective than managing such wastes at contaminated areas of the facility;

4) Areas within the CAMU where wastes remain in place after its closure must be managed and contained so as to minimize future releases to the extent practicable;

5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;

6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.

e) The Agency must specify in the permit the requirements applicable to a CAMU, including the following:

1) The areal configuration of the CAMU.

2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.

3) Requirements for groundwater monitoring that are sufficient to do the following:

A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and

B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.

4) Closure and Post-Closure Care Requirements

A) Closure of a CAMU must do the following:

i) Minimize the need for further maintenance; and

ii) Control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

B) Requirements for closure of a CAMU must include the following, as appropriate:

i) Requirements for excavation, removal, treatment, or containment of wastes;

ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and

iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.

C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:

i) The characteristics of the CAMU;

ii) The volume of wastes that remain in place after closure;

iii) The potential for releases from the CAMU;

iv) The physical and chemical characteristics of the waste;

v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and

vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

D) Post-closure care requirements as necessary to adequately protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities

and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.

f) The Agency must document the rationale for designating the CAMU and must make such documentation available to the public.

g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.

h) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. 5999, May 2, 2019)

Section 724.652 Corrective Action Management Units

a) To implement remedies pursuant to Section 724.201 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit pursuant to the requirements in this Section. "Corrective action management unit" or "CAMU" means an area within a facility that is used only for managing CAMU-eligible wastes for implementing corrective action or cleanup at that facility. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

1) "CAMU-eligible waste" means the following:

A) All solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup. As-generated wastes (either hazardous or non-hazardous) from ongoing industrial operations at a site are not CAMU-eligible wastes.

B) Wastes that would otherwise meet the description in subsection (a)(1)(A) are not CAMU-eligible waste where the following is true:

i) The wastes are hazardous waste found during cleanup in intact or substantially intact containers, tanks, or other non-land-based units found above ground, unless the wastes are first placed in the tanks, containers, or non-land-based units

as part of cleanup, or the containers or tanks are excavated during the course of cleanup; or

ii) The Agency makes the determination in subsection (a)(2) to prohibit the wastes from management in a CAMU.

C) Notwithstanding subsection (a)(1)(A), where appropriate, as-generated non-hazardous waste may be placed in a CAMU where such waste is being used to facilitate treatment or the performance of the CAMU.

2) The Agency must prohibit the placement of waste in a CAMU where the Agency determines that the wastes have not been managed in compliance with applicable land disposal treatment standards of 35 Ill. Adm. Code 728, applicable unit design requirements of this Part or 35 Ill. Adm. Code 725, or other applicable requirements of this Subtitle G, and that the non-compliance likely contributed to the release of the waste.

3) Prohibition against Placing Liquids in a CAMU

A) The placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not sorbents have been added) in any CAMU is prohibited except where placement of such wastes facilitates the remedy selected for the waste.

B) The requirements in Section 724.414(c) for placement of containers holding free liquids in landfills apply to placement in a CAMU, except where placement facilitates the remedy selected for the waste.

C) The placement of any liquid that is not a hazardous waste in a CAMU is prohibited unless such placement facilitates the remedy selected for the waste or a demonstration is made pursuant to Section 724.414(e).

D) The absence or presence of free liquids in either a containerized or a bulk waste must be determined in accordance with Section 724.414(b). Sorbents used to treat free liquids in a CAMU must meet the requirements of Section 724.414(d).

4) Placement of CAMU-eligible wastes into or within a CAMU does not constitute land disposal of hazardous waste.

5) Consolidation or placement of CAMU-eligible wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.

b) Establishing a CAMU

1) The Agency must designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU or must incorporate a regulated unit into a CAMU, if it determines that the following is true of a regulated unit:

A) The regulated unit is closed or closing, meaning it has begun the closure process pursuant to Section 724.213 or 35 Ill. Adm. Code 725.213; and

B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

2) The Subpart F, G, and H requirements and the unit-specific requirements of this Part or 35 Ill. Adm. Code 265 that applied to the regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

c) The Agency must designate a CAMU that will be used for storage or treatment only in accordance with subsection (f). The Agency must designate any other CAMU in accordance with the following requirements:

1) The CAMU must facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

2) Waste management activities associated with the CAMU must not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

3) The CAMU must include uncontaminated areas of the facility, only if including such areas for the purpose of managing CAMU-eligible waste is more protective than management of such wastes at contaminated areas of the facility;

4) Areas within the CAMU, where wastes remain in place after closure of the CAMU, must be managed and contained so as to minimize future releases, to the extent practicable;

5) The CAMU must expedite the timing of remedial activity implementation, when appropriate and practicable;

6) The CAMU must enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

7) The CAMU must, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

d) The owner or operator must provide sufficient information to enable the Agency to designate a CAMU in accordance with the criteria in this Section. This must include, unless not reasonably available, information on the following:

1) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal or release);

2) Whether the waste was listed or identified as hazardous at the time of disposal or release; and

3) Whether the disposal or release of the waste occurred before or after the land disposal requirements of 35 Ill. Adm. Code 728 were in effect for the waste listing or characteristic.

e) The Agency must specify, in the permit or order, requirements for the CAMU to include the following:

1) The areal configuration of the CAMU.

2) Except as provided in subsection (g), requirements for CAMU-eligible waste management to include the specification of applicable design, operation, treatment, and closure requirements.

3) Minimum Design Requirements: a CAMU, except as provided in subsection (f), into which wastes are placed must be designed in accordance with the following:

A) Unless the Agency approves alternative requirements pursuant to subsection (e)(3)(B), a CAMU that consists of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this Section, “composite liner” means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of

compacted soil with a hydraulic conductivity of no more than $1x10^{-7}$ cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

B) Alternative Requirements. The Agency must approve alternative requirements if it determines that either of the following is true:

i) The Agency determines that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents into the groundwater or surface water at least as effectively as the liner and leachate collection systems in subsection (e)(3)(A); or

ii) The CAMU is to be established in an area with existing significant levels of contamination, and the Agency determines that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

4) Minimum Treatment Requirements. Unless the wastes will be placed in a CAMU for storage or treatment only in accordance with subsection (f), CAMU-eligible wastes that, absent this Section, would be subject to the treatment requirements of 35 Ill. Adm. Code 728, and that the Agency determines contain principal hazardous constituents must be treated to the standards specified in subsection (e)(4)(C).

A) Principal hazardous constituents are those constituents that the Agency determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

i) In general, the Agency must designate as principal hazardous constituents those contaminants specified in subsection (e)(4)(H).
BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(i)(A)(1) and (e)(4)(i)(A)(2) as subsections (e)(4)(H)(i) and (e)(4)(H)(ii) in order to comply with Illinois Administrative Code codification requirements.

ii) The Agency must also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to groundwater are

substantially higher than cleanup levels or goals at the site. When making such a designation, the Agency must consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

iii) The Agency must also designate other constituents as principal hazardous constituents that the Agency determines pose a risk to human health and the environment substantially higher than that posed by the cleanup levels or goals at the site.

B) In determining which constituents are "principal hazardous constituents", the Agency must consider all constituents that, absent this Section, would be subject to the treatment requirements in 35 Ill. Adm. Code 728.

C) Waste that the Agency determines contains principal hazardous constituents must meet treatment standards determined in accordance with subsection (e)(4)(D) or (e)(4)(E).

D) Treatment Standards for Wastes Placed in a CAMU

i) For non-metals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by subsection (e)(4)(D)(iii).

ii) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (e)(4)(D)(iii).

iii) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than ten times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than ten times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in Table U to 35 Ill. Adm. Code 728.

iv) For waste exhibiting the hazardous characteristic of ignitability, corrosivity, or reactivity, the waste must also be treated to eliminate these characteristics.

v) For debris, the debris must be treated in accordance with 35 Ill. Adm. Code 728.145, or by methods or to levels established pursuant to subsections (e)(4)(D)(i) through (e)(4)(D)(iv) or subsection (e)(4)(E), whichever the Agency determines is appropriate.

vi) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Agency must specify a leaching test other than Method 1311 (Toxicity Characteristic Leaching Procedure), in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a) to measure treatment effectiveness, provided the Agency determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

E) Adjusted Standards. The Board will grant an adjusted standard pursuant to Section 28.1 of the Act to adjust the treatment level or method in subsection (e)(4)(D) to a higher or lower level, based on one or more of the following factors, as appropriate, if the owner or operator demonstrates that the adjusted level or method would adequately protect human health and the environment, based on consideration of the following:

i) The technical impracticability of treatment to the levels or by the methods in subsection (e)(4)(D);

ii) The levels or methods in subsection (e)(4)(D) would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated pursuant to State or federal law);

iii) The views of the affected local community on the treatment levels or methods in subsection (e)(4)(D), as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;

iv) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in subsection (e)(4)(D);

v) The long-term protection offered by the engineering design of the CAMU and related engineering controls under the circumstances set forth in subsection (e)(4)(I).

BOARD NOTE: The Board has codified 40 CFR 264.552(e)(4)(v)(E)(*1*) through (e)(4)(v)(E)(*5*) as subsections (e)(4)(I)(i) through (e)(4)(I)(v) in order to comply with Illinois Administrative Code codification requirements.

F) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.

G) For the purpose of determining whether wastes placed in a CAMU have met site-specific treatment standards, the Agency must specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal hazardous constituents if it determines that the specification is appropriate based on the degree of difficulty of treatment and analysis of constituents with similar treatment properties.

H) Principal hazardous constituents that the Agency must designate are the following:

i) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above 10^{-3}; and

ii) Non-carcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.

I) Circumstances relating to the long-term protection offered by engineering design of the CAMU and related engineering controls are the following:

i) Where the treatment standards in subsection (e)(4)(D) are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility;

ii) Where cost-effective treatment has been used and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);

iii) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, and the CAMU meets the Subtitle C liner and leachate collection requirements for new land disposal units at Section 724.401(c) and (d);

iv) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or

v) Where, after review of appropriate treatment technologies, the Board determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or a laterally expanded CAMU in subsections (e)(3)(A) and (e)(3)(B) or the CAMU provides substantially equivalent or greater protection.

5) Except as provided in subsection (f), requirements for groundwater monitoring and corrective action that are sufficient to do the following:

A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU;

B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU; and

C) Require notification to the Agency and corrective action as necessary to adequately protect human health and the environment for releases to groundwater from the CAMU.

6) Except as provided in subsection (f), closure and post-closure requirements, as follows:

A) Closure of corrective action management units must do the following:

i) It must minimize the need for further maintenance; and

ii) It must control, minimize, or eliminate, to the extent necessary to adequately protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous wastes, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.

B) Requirements for closure of a CAMU must include the following, as appropriate and as deemed necessary by the Agency for a given CAMU:

i) Requirements for excavation, removal, treatment or containment of wastes; and

ii) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.

C) In establishing specific closure requirements for a CAMU pursuant to this subsection (e), the Agency must consider the following factors:

i) CAMU characteristics;

ii) Volume of wastes that remain in place after closure;

iii) Potential for releases from the CAMU;

iv) Physical and chemical characteristics of the waste;

v) Hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and

vi) Potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.

D) Cap Requirements

i) At final closure of the CAMU, for areas in which wastes will remain with constituent concentrations at or above remedial levels or goals applicable to the site after closure

of the CAMU, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the performance criteria listed in subsection (e)(6)(F), except as provided in subsection (e)(6)(D)(ii):
BOARD NOTE: The Board has codified 40 CFR 264.552(e)(6)(iv)(A)(*1*) through (e)(6)(iv)(A)(*5*) as subsections (e)(6)(F)(i) through (e)(6)(F)(v) in order to comply with Illinois Administrative Code codification requirements.

ii) The Agency must apply cap requirements that deviate from those prescribed in subsection (e)(6)(D)(i) if it determines that the modifications are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).

E) Post-closure requirements as necessary to adequately protect human health and the environment, to include, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities must be performed to ensure the integrity of any cap, final cover, or other containment system.

F) The final cover design and performance criteria are as follows:

i) The final cover must provide long-term minimization of migration of liquids through the closed unit;

ii) The final cover must function with minimum maintenance;

iii) The final cover must promote drainage and minimize erosion or abrasion of the cover;

iv) The final cover must accommodate settling and subsidence so that the cover's integrity is maintained; and

v) The final cover must have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

f) A CAMU used for storage or treatment only is a CAMU in which wastes will not remain after closure. Such a CAMU must be designated in accordance with all of the requirements of this Section, except as follows:

1) A CAMU that is used for storage or treatment only and that operates in accordance with the time limits established in the staging pile regulations

at Section 724.654(d)(1)(C), (h), and (i) is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c) and (e)(3) through (e)(6).

2) A CAMU that is used for storage or treatment only and that does not operate in accordance with the time limits established in the staging pile regulations at Section 724.654(d)(1)(C), (h), and (i):

A) The owner or operator must operate in accordance with a time limit, established by the Agency, that is no longer than necessary to achieve a timely remedy selected for the waste and

B) The CAMU is subject to the requirements for staging piles at Section 724.654(d)(1)(A) and (d)(1)(B), (d)(2), (e), (f), (j), and (k) in lieu of the performance standards and requirements for a CAMU in subsections (c), (e)(4), and (e)(6).

g) A CAMU into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (e)(3)(A), caps at subsection (e)(6)(D), groundwater monitoring requirements at subsection (e)(5) or, for treatment or storage-only a CAMU, the design standards at subsection (f).

h) The Agency must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such notice must include the rationale for any proposed adjustments pursuant to subsection (e)(4)(E) to the treatment standards in subsection (e)(4)(D).

i) Notwithstanding any other provision of this Section, the Agency must impose those additional requirements that it determines are necessary to adequately protect human health and the environment.

j) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273, or according to the permit modification procedures of 35 Ill. Adm. Code 703.280 through 703.283.

k) The designation of a CAMU does not change the Agency's existing authority to address cleanup levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

(Source: Amended at 43 Ill. Reg. 5999, May 2, 2019)

Section 724.653 Temporary Units

a) For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required pursuant to Section 724.201 or RCRA section 3008(h), or at a permitted facility that is not subject to Section 724.201, the Agency may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units pursuant to this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that adequately protect human health and the environment.

b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) must be as follows:

1) Located within the facility boundary; and

2) Used only for treatment or storage of remediation wastes.

c) In establishing alternative requirements to be applied to a temporary unit, the Agency must consider the following factors:

1) The length of time such unit will be in operation;

2) The type of unit;

3) The volumes of wastes to be managed;

4) The physical and chemical characteristics of the wastes to be managed in the unit;

5) The potential for releases from the unit;

6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and

7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.

d) The Agency must specify in the permit the length of time a temporary unit will be allowed to operate, which must be no longer than one year. The Agency must also specify the design, operating, and closure requirements for the unit.

e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines the following:

1) That continued operation of the unit will not pose a threat to human health and the environment; and

2) That continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit must be as follows:

1) Approved in accordance with the procedures for Agency-initiated permit modifications pursuant to 35 Ill. Adm. Code 703.270 through 703.273; or

2) Requested by the owner or operator as a Class 2 modification according to the procedures pursuant to 35 Ill. Adm. Code 703.283.

g) The Agency must document the rationale for designating a temporary unit and for granting time extensions for temporary units and must make such documentation available to the public.

BOARD NOTE: USEPA promulgated 40 CFR 264.553, from which this Section was derived, pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until USEPA authorizes this Illinois provision, an owner or operator must seek TU authorization from USEPA Region 5, as well as authorization from the Agency pursuant to this Section.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.654 Staging Piles

a) Definition of a Staging Pile. A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.

1) For the purposes of this Section, storage includes mixing, sizing, blending, or other similar physical operations as long as they are intended to prepare the wastes for subsequent management or treatment.

2) This subsection (a)(2) corresponds with 40 CFR 264.554(a)(2), which USEPA has marked as “reserved”. This statement maintains structural consistency with the federal regulations.

b) Use of a Staging Pile. An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency must establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k).

c) Information That an Owner or Operator Must Submit to Gain Designation of a Staging Pile. When seeking a staging pile designation, an owner or operator must provide the following:

1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k);

2) Certification by a qualified Professional Engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will adequately protect human health and the environment; and

3) Any additional information the Agency determines is necessary to adequately protect human health and the environment.

d) Performance Criteria That a Staging Pile Must Satisfy. The Agency must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.

1) The standards and design criteria must comply with the following:

A) The staging pile must facilitate a reliable, effective, and protective remedy;

B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to adequately protect human health and the environment (for example, through the use of liners, covers, or run-off and run-on controls, as appropriate); and

C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension pursuant to subsection (i). An owner or operator must measure the two-year limit or other operating term specified by the Agency in the permit,

closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator must maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

2) In setting the standards and design criteria, the Agency must consider the following factors:

A) The length of time the pile will be in operation;

B) The volumes of wastes the owner or operator intends to store in the pile;

C) The physical and chemical characteristics of the wastes to be stored in the unit;

D) The potential for releases from the unit;

E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and

F) The potential for human and environmental exposure to potential releases from the unit.

e) Receipt of Ignitable or Reactive Remediation Waste. An owner or operator must not place ignitable or reactive remediation waste in a staging pile unless the following is true:

1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:

A) The remediation waste no longer meets the definition of ignitable or reactive pursuant to 35 Ill. Adm. Code 721.121 or 721.123; and

B) The owner or operator has complied with Section 724.117(b); or

2) The owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.

f) Managing Incompatible Remediation Wastes in a Staging Pile. The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator must comply with the following requirements for incompatible wastes in staging piles:

1) The owner or operator must not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);

2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator must separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and

3) The owner or operator must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).

g) Staging piles are not subject to land disposal restrictions and federal minimum technological requirements. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of section 3004(o) of RCRA, 42 USC 6924(o).

h) How Long an Owner or Operator May Operate a Staging Pile. The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator must use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the "operating term"), except as provided in subsection (i).

i) Receiving an Operating Extension for a Staging Pile

1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (l) for modification procedures). To justify the need for an extension, an owner or operator must provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:

A) Continued operation will not pose a threat to human health and the environment; and

B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.

2) The Agency must, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as

necessary, to ensure adequate protection of human health and the environment.

j) The Closure Requirement for a Staging Pile Located in a Previously Contaminated Area

1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:

A) Remediation waste;

B) Contaminated containment system components; and

C) Structures and equipment contaminated with waste and leachate.

2) An owner or operator must also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will adequately protect human health and the environment.

3) The Agency must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.

k) The Closure Requirement for a Staging Pile Located in a Previously Uncontaminated Area

1) Within 180 days after the operating term of the staging pile expires, an owner or operator must close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.

2) The Agency must include the requirement of this Section stated in subsection (k)(1) in the permit, closure plan, or order in which the staging pile is designated.

l) Modifying an Existing Permit (e.g., a RAP), Closure Plan, or Order to Allow Use of a Staging Pile

1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:

A) The Agency must approve the modification pursuant to the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or

B) An owner or operator must request a Class 2 modification pursuant to 35 Ill. Adm. Code 703.280 through 703.283.

2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator must comply with the RAP modification requirements pursuant to 35 Ill. Adm. Code 703.304(a) and (b).

3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the applicable requirements pursuant to Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).

4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator must follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).

m) Public Availability of Information about a Staging Pile. The Agency must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Amended at 43 Ill. Reg. 5999, May 2, 2019)

Section 724.655 Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

a) The Agency must approve placement of CAMU-eligible wastes in hazardous waste landfills not located at the site from which the waste originated, without the wastes meeting the requirements of 35 Ill. Adm. Code 728, if it determines that the following conditions are met:

1) The waste meets the definition of CAMU-eligible waste in Section 724.652(a)(1) and (a)(2).

2) The Agency identifies principal hazardous constituents in such waste, in accordance with Section 724.652(e)(4)(A) and (e)(4)(B), and requires that such principal hazardous constituents are treated to any of the following standards specified for CAMU-eligible wastes:

A) The treatment standards under Section 724.652(e)(4)(D); or

B) Treatment standards adjusted in accordance with Section 724.652(e)(4)(E)(i), (e)(4)(E)(iii), (e)(4)(E)(iv), or (e)(4)(F)(i); or

C) Treatment standards adjusted in accordance with Section 724.652(e)(4)(I)(ii), where treatment has been used and that treatment significantly reduces the toxicity or mobility of the

principal hazardous constituents in the waste, minimizing the short-term and long-term threat posed by the waste, including the threat at the remediation site.

3) The landfill receiving the CAMU-eligible waste must have a RCRA hazardous waste permit, meet the requirements for new landfills in Subpart N, and be authorized to accept CAMU-eligible wastes; for the purposes of this requirement, "permit" does not include interim status.

b) The person seeking approval must provide sufficient information to enable the Agency to approve placement of CAMU-eligible waste in accordance with subsection (a). Information required by Section 724.652(d)(1) through (d)(3) for CAMU applications must be provided, unless not reasonably available.

c) The Agency must provide public notice and a reasonable opportunity for public comment before approving CAMU eligible waste for placement in an off-site permitted hazardous waste landfill, consistent with the requirements for CAMU approval at Section 724.652(h). The approval must be specific to a single remediation.

d) Applicable hazardous waste management requirements in this Part, including recordkeeping requirements to demonstrate compliance with treatment standards approved under this Section, for CAMU-eligible waste must be incorporated into the receiving facility permit through permit issuance or a permit modification, providing notice and an opportunity for comment and a hearing. Notwithstanding 35 Ill. Adm. Code 702.181(a), a landfill may not receive hazardous CAMU-eligible waste under this Section unless its permit specifically authorizes receipt of such waste.

e) For each remediation, CAMU-eligible waste may not be placed in an off-site landfill authorized to receive CAMU-eligible waste in accordance with subsection (d) until the following additional conditions have been met:

1) The landfill owner or operator notifies the Agency and persons on the facility mailing list, maintained in accordance with 35 Ill. Adm. Code 705.163(a), of his or her intent to receive CAMU-eligible waste in accordance with this Section; the notice must identify the source of the remediation waste, the principal hazardous constituents in the waste, and treatment requirements.

2) Persons on the facility mailing list may provide comments, including objections to the receipt of the CAMU-eligible waste, to the Agency within 15 days after notification.

3) The Agency must object to the placement of the CAMU-eligible waste in the landfill within 30 days of notification; the Agency must extend the

review period an additional 30 days if it determines that the extension is necessary because of public concerns or insufficient information.

4) CAMU-eligible wastes may not be placed in the landfill until the Agency has notified the facility owner or operator that it does not object to its placement.

5) If the Agency objects to the placement or does not notify the facility owner or operator that it has chosen not to object, the facility may not receive the waste, notwithstanding 35 Ill. Adm. Code 702.181(a), until the objection has been resolved, or the owner/operator obtains a permit modification in accordance with the procedures of 35 Ill. Adm. Code 703.280 through 703.283 specifically authorizing receipt of the waste.

6) The Board will grant an adjusted standard under Section 28.1 of the Act that modifies, reduces, or eliminates the notification requirements of this subsection (e) as they apply to specific categories of CAMU-eligible waste, if the owner or operator demonstrates that this is possible based on miminal risk.

f) Generators of CAMU-eligible wastes sent off-site to a hazardous waste landfill under this Section must comply with the requirements of 35 Ill. Adm. Code 728.107(a)(4). Off-site facilities treating CAMU-eligible wastes to comply with this Section must comply with the requirements of 35 Ill. Adm. Code 728.107(b)(4), except that the certification must be with respect to the treatment requirements of subsection (a)(2).

g) For the purposes of this Section only, the "design of the CAMU" in Section 724.652(e)(4)(E)(v) means design of the permitted Subtitle C landfill.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART W: DRIP PADS

Section 724.670 Applicability

a) The requirements of this Subpart W apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, or surface water run-on to an associated collection system.

1) "Existing drip pads" are the following:

A) Those constructed before December 6, 1990; and

B) Those for which the owner or operator had a design and had entered into binding financial or other agreements for construction prior to December 6, 1990.

2) All other drip pads are "new drip pads".

3) The requirements at Section 724.673(b)(3) to install a leak collection system applies only to those drip pads that were constructed after December 24, 1992 except for those constructed after December 24, 1992 for which the owner or operator had a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.673(e) or (f).

c) The requirements of this subsection (c) are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

1) Clean up the drippage;

2) Document the clean-up of the drippage;

3) Retain documentation regarding the clean-up for three years; and

4) Manage the contaminated media in a manner consistent with State and federal regulations.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.671 Assessment of Existing Drip Pad Integrity

a) For each existing drip pad, the owner or operator must evaluate the drip pad and determine whether it meets all of the requirements of this Subpart W, except the requirements for liners and leak detection systems of Section 724.673(b). The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and re-certified annually until all upgrades, repairs or modifications necessary to achieve compliance with all the standards of Section 724.673 are complete. The evaluation must document the extent to which the drip pad meets

each of the design and operating standards of Section 724.673, except the standards for liners and leak detection systems, specified in Section 724.673(b).

b) The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of Section 724.673(b) and submit the plan to the Agency no later than two years before the date that all repairs, upgrades and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 724.673. The plan must be reviewed and certified by a qualified Professional Engineer.

c) Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the Agency, the as-built drawings for the drip pad, together with a certification by a qualified Professional Engineer attesting that the drip pad conforms to the drawings.

d) If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of Section 724.673(m) or close the drip pad in accordance with Section 724.675.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.672 Design and Installation of New Drip Pads

Owners and operators of new drip pads must ensure that the pads are designed, installed and operated in accordance with one of the following:

a) All of the requirements of Sections 724.673 (except Section 724.673(a)(4)), 724.674, and 724.675; or

b) All of the requirements of Sections 724.673 (except Section 724.673(b)), 724.674, and 724.675.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.673 Design and Operating Requirements

a) Drip pads must fulfill the following:

1) Not be constructed of non-earthen materials, wood, or asphalt, unless the asphalt is structurally supported;

2) Be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;

3) Have a curb or berm around the perimeter;

4) In addition, the drip pad must fulfill the following:

A) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second (cm/sec), e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} cm/sec such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator elects to comply with Section 724.672(b) instead of Section 724.672(a).

B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for in subsection (b).

5) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection (c), the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318 (Building Code Requirements for Reinforced Concrete), or ASTM C 94-90 (Standard Specification for Ready-Mixed Concrete), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

b) If an owner or operator elects to comply with Section 724.672(a) instead of Section 724.672(b), the drip pad must have the following:

1) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or groundwater or surface water at any time during the

active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must fulfill the following:

A) It must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

B) It must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

C) It must be installed to cover all surrounding earth that could come in contact with the waste or leakage; and

2) A leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system must fulfill the following:

A) It must be constructed of materials that are as follows:

i) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and

ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and

B) It must be designed and operated to function without clogging through the scheduled closure of the drip pad; and

C) It must be designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

3) A leaking collection system immediately above the liner that is designed, constructed, maintained, and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and

quantity of any leakage collected in this system and removed must be documented in the operating log.

A) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as to allow weekly inspections of the entire drip pad surface without interference of hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and cleaning procedure used in the facility's operating log. The owner or operator must determine if the residues are hazardous, as per 35 Ill. Adm. Code 722.111, and, if so, the owner or operator must manage them under 35 Ill. Adm. Code 721 through 728, and section 3010 of RCRA (42 USC 6930).

B) The federal rules do not contain a 40 CFR 264.573(b)(3)(B). This subsection (b) is added to conform to Illinois Administrative Code rules.

c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

BOARD NOTE: See subsection (m) for remedial action required if deterioration or leakage is detected.

d) The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent run-off.

e) Unless the drip pad is protected by a structure, as described in Section 724.670(b), the owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.

f) Unless the drip pad is protected by a structure or cover, as described in Section 724.670(b), the owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f). The owner or operator must obtain a statement from a qualified Professional Engineer certifying that the drip pad design meets the requirements of this Section.

h) Drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

i) The drip surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator must document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure used.

j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.

l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

m) Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator must do the following:

A) Enter a record of the discovery in the facility operating log;

B) Immediately remove from service the portion of the drip pad affected by the condition;

C) Determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;

D) Within 24 hours after discovery of the condition, notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that

will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.

2) The Agency must do the following: review the information submitted, make a determination regarding whether the pad must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

3) Upon completing all repairs and clean up, the owner or operator must notify the Agency in writing and provide a certification, signed by an independent, qualified registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (m)(1)(D).

n) If a permit is necessary, the Agency must specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

o) The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.674 Inspections

a) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified by a qualified Professional Engineer as meeting the requirements set forth in Section 724.673. The certification must be maintained at the facility as part of the facility operating record. After installation liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

b) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

2) The presence of leakage in and proper functioning of leak detection system.

3) Deterioration or cracking of the drip pad surface.

BOARD NOTE: See Section 724.672(m) for remedial action required if deterioration or leakage is detected.

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

Section 724.675 Closure

a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment, as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practically removed or decontaminated, the operator must close the unit and perform post-closure care in accordance with closure and post-closure care requirements that apply to landfills (Section 724.410). For permitted units, the requirement to have a permit continues throughout the post-closure period. In addition, for the purposes of closure, post-closure, and financial responsibility, such a drip pad is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in Subparts G and H.

c) Existing Drip Pads without Liners

1) The owner or operator of an existing drip pad that does not comply with the liner requirements of Section 724.673(b)(1) must do the following:

A) Include in the closure plan for the drip pad under Section 724.212 both a plan for complying with subsection (a) and a contingent plan for complying with subsection (b) in case not all contaminated subsoils can be practicably removed at closure; and

B) Prepare a contingent post-closure plan under Section 724.218 for complying with subsection (b) in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 724.212 and 724.244 for closure and post closure care of a drip pad subject to this subsection (c) must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under subsection (a).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART X: MISCELLANEOUS UNITS

Section 724.700 Applicability

The requirements in this Subpart X apply to owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units, except as Section 724.101 provides otherwise.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.701 Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure adequate protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to adequately protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of Subparts I through O and AA through CC; 35 Ill. Adm. Code 702, 703, and 730; and federal subpart EEE of 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b), that are appropriate for the miscellaneous unit being permitted. Adequate protection of human health and the environment includes, but is not limited to the following:

a) Preventing any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater or subsurface environment, considering the following:

1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;

2) The hydrologic and geologic characteristics of the unit and the surrounding area;

3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;

4) The quantity and direction of groundwater flow;

5) The proximity to and withdrawal rates of current and potential groundwater users;

6) The patterns of land use in the region;

7) The potential for deposition or migration of waste constituents into subsurface physical structures and the root zone of food-chain crops and other vegetation;

8) The potential for health risks caused by human exposure to waste constituents; and

9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

b) Preventing any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, in wetlands, or on the soil surface, considering the following:

1) The volume and physical and chemical characteristics of the waste in the unit;

2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;

3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;

4) The patterns of precipitation in the region;

5) The quantity, quality, and direction of groundwater flow;

6) The proximity of the unit to surface waters;

7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;

8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;

9) The patterns of land use in the region;

10) The potential for health risks caused by human exposure to waste constituents; and

11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.

c) Preventing any release that may have adverse effects on human health or the environment due to migration of waste constituents in the air, considering the following:

1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;

2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;

3) The operating characteristics of the unit;

4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;

5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;

6) The potential for health risks caused by human exposure to waste constituents; and

7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action

Monitoring, testing, analytical data, inspections, response and reporting procedures and frequencies must ensure compliance with Sections 724.115, 724.133, 724.175, 724.176, 724.177, 724.201, and 724.701, as well as any additional requirements needed to adequately protect human health and the environment as specified in the permit.

(Source: Amended at 31 Ill. Reg. 893, effective December 20, 2006)

Section 724.703 Post-Closure Care

A miscellaneous unit that is a disposal unit must be maintained in a manner that complies with Section 724.701 during the post-closure care period. In addition, if a treatment or storage unit has contaminated soils or groundwater that cannot be completely removed or decontaminated during closure, then that unit must also meet the requirements of Section 724.701 during post-closure care. The post-closure plan under Section 724.218 must specify the procedure that will be used to satisfy this requirement.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.930 Applicability

a) Subpart AA applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).

b) Except for Sections 724.934(d) and (e), Subpart AA applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted as follows:

1) In units that are subject to the permitting requirements of 35 Ill. Adm. Code 703;

2) In a unit (including a hazardous waste recycling unit) that is not exempt from permitting under 35 Ill. Adm. Code 722.117(i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703; or

3) In a unit that is exempt from permitting under 35 Ill. Adm. Code 722.117 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

c) Until the owner and operator receives a final permit incorporating the requirements of Subpart AA, the owner and operator is subject to the requirements of Subpart AA of 35 Ill. Adm. Code 725.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

d) Subsection (d) corresponds with 40 CFR 264.1030(d), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

e) Subpart AA does not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to Subpart AA are equipped with and operating air emission controls in compliance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of

compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 48 Ill. Reg. 17057, effective November 7, 2024)

Section 724.931 Definitions

As used in this Subpart AA, all terms not defined in this Subpart AA have the meaning given them in section 1004 of the Resource Conservation and Recovery Act, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728, and 738.

"Air stripping operation" means a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Btu" means British thermal unit.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, "connector" means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

"Control device shutdown" means the cessation of operation of a control device for any purpose.

“Distillate receiver” means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

“Distillation operation” means an operation, either batch or continuous, separating one or more feed streams into two or more exit streams, each exit stream having component concentrations different from those in the feed streams. The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

“Double block and bleed system” means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

“Equipment” means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange or other connector, and any control devices or systems required by this Subpart AA.

“First attempt at repair” means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

“Flame zone” means the portion of the combustion chamber in a boiler occupied by the flame envelope.

“Flow indicator” means a device that indicates whether gas flow is present in a vent stream.

“Fractionation operation” means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

“ft” means foot.

“h” means hour.

“Hazardous waste management unit shutdown” means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

“Hot well” means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

“In gas-vapor service” means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

“In heavy liquid service” means that the piece of equipment is not in gas-vapor service or in light liquid service.

“In light liquid service” means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20 °C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20 °C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

“In situ sampling systems” means nonextractive samplers or in-line samplers.

“In vacuum service” means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

“Kg” means kilogram.

“kPa” means kilopascals.

“lb” means pound.

“m” means meter.

“Mg” means Megagrams, or metric tonnes.

“MJ” means Megajoules, or ten to the sixth Joules.

“MW” means Megawatts.

“Malfunction” means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

“Open-ended valve or line” means any valve, except a pressure relief valve, that has one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping.

“ppmv” means parts per million by volume.

“ppmw” means parts per million by weight.

“Pressure release” means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

“Process heater” means a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

“Process vent” means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

“Repaired” means that equipment is adjusted or otherwise altered to eliminate a leak.

“s” means second.

“Sampling connection system” means an assembly of equipment within a process or waste management unit that is used during periods of representative operation to take samples of the process or waste fluid. Equipment that is used to take non-routine grab samples is not considered a sampling connection system.

“scm” means standard cubic meter.

“scft” means standard cubic foot.

“Sensor” means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

“Separator tank” means a device used for separation of two immiscible liquids.

“Solvent extraction operation” means an operation or method of separation in which a solid or solution is contracted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

“Startup” means the setting in operation of a hazardous waste management unit or control device for any purpose.

“Steam stripping operation” means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"USDOT" means the United States Department of Transportation.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means, such as compressors or vacuum-producing systems, or by process-related means, such as evaporation produced by heating, and not caused by tank loading and unloading (working losses) or by natural means, such as diurnal temperature changes.

"yr" means year.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.932 Standards: Process Vents

a) The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw must do either of the following:

1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

b) If the owner or operator installs a closed-vent system and control device to comply with the provisions of subsection (a), the closed-vent system and control device must meet the requirements of Section 724.933.

c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices must be either

based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 724.934(c).

d) When an owner or operator and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the procedures in Section 724.934(c) must be used to resolve the disagreement.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.933 Standards: Closed-Vent Systems and Control Devices

a) Compliance Required

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.

2) Implementation Schedule

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart AA for installation and startup.

B) Any unit beginning operation that is subject to the provisions of this Subpart AA when operation begins must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA must comply with all requirements of this Subpart AA as soon as practicable, but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator must prepare an

implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart AA. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA due to an action other than those described in subsection (a)(2)(C) must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).

b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 °C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares

1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of five minutes during any two consecutive hours.

2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C).

3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being

combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2).

4) Exit Velocity

A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C).

B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than the velocity, V, as determined by the method specified in subsection (e)(4), and less than 122 m/s (400 ft/s) is allowed.

5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5).

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance Determination and Equations

1) Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must be used to determine the compliance of a flare with the visible emission provisions of this Subpart AA. The observation period is two hours and must be used according to Reference Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \times \sum_{i=1}^{n} C_i \times H_i$$

Where:

H_T = the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C

K = 1.74 × 10-7 (1/ppm)(g mol/scm)(MJ/kcal) where the standard temperature for (g mol/scm) is 20 °C

Ci = the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), and for carbon monoxide, by ASTM D 1946-90 (Standard Practice for Analysis of Reformed Gas by Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111

Hi = the net heat of combustion of sample component i, kcal/gmol at 25 °C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88 (Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)), incorporated by reference in 35 Ill. Adm. Code 720.111(a), if published values are not available or cannot be calculated

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V_{max}, for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log_{10}\left(V_{max}\right) = \frac{H_T + 28.8}{31.7}$$

Where:

H_T = the net heating value as determined in subsection (e)(2)

5) The maximum allowed velocity in m/s, V_{max}, for an air-assisted flare must be determined by the following equation:

$$V_{max} = 8.706 + 0.708H_T$$

Where:

H_T = the net heating value as determined in subsection (e)(2)

f) The owner or operator must monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation, as follows:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

F) For a condenser, either of the following:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5 °C, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either of the following:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) A closed-vent system must meet either of the following design requirements:

1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 724.934(b), and by visual inspections; or

2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read

from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

l) The owner or operator must monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (k)(1) must be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system must be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator must monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (l)(1)(A), the owner or operator must inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator must monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (l)(1)(B)(i) must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o), using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect or leak in accordance with the requirements of subsection (l)(3).

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

2) Each closed-vent system that is used to comply with subsection (k)(2) must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (l)(3).

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

3) The owner or operator must repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (l)(3)(C).

B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair

of such equipment must be completed by the end of the next process unit shutdown.

D) The owner or operator must maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

m) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.

n) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X; or

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC or Subparts AA and CC of 35 Ill. Adm. Code 725; or

C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants) or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O; or

B) The owner or operator has certified compliance in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.

o) Any components of a closed-vent system that are designated, as described in Section 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (l)(1)(B)(ii) if both of the following conditions are fulfilled:

1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (l)(1)(B)(ii); and

2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (l)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.934 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart AA must comply with the test methods and procedures requirements provided in this Section.

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 724.933(l), the test must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be as follows:

A) Zero air (less than 10 ppm of hydrocarbon in air); and

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The background level must be determined as set forth in Reference Method 21.

6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

c) Performance tests to determine compliance with Section 724.932(a) and with the total organic compound concentration limit of Section 724.933(c) must comply with the following:

1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

A) Reference Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for velocity and volumetric flow rate.

B) Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) or Reference Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for organic content. If Reference Method 25A is used, the organic HAP used as the calibration gas must be the single organic HAP representing the largest percent by volume of the emissions. The use of Reference Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

C) Each performance test must consist of three separate runs, each run conducted for at least one hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For

the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

D) Total organic mass flow rates must be determined by the following equation:

i) For a source using Reference Method 18:

$$E_h = Q_{2sd} \times \left(\sum_{i=1}^{n} C_i \times MW_i \right) \times 0.0416 \times 10^{-6}$$

Where:

E_h = The total organic mass flow rate, kg/h

Q_{2sd} = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2

n = The number of organic compounds in the vent gas

C_i = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18

MW_i = The molecular weight of organic compound i in the vent gas, kg/kg-mol

0.0416 = The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mm Hg

10^{-6} = The conversion factor from ppm

ii) For a source using Reference Method 25A:

$$E_h = Q \times C \times MW \times 0.0416 \times 10^{-6}$$

Where:

E_h = The total organic mass flow rate, kg/h

Q = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2

C = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 25A
MW = The molecular weight of propane, 44 kg/kg-mol
0.0416 = The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mm Hg
10^{-6} = The conversion factor from ppm

E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H$$

Where:

A = total organic emission rate, kg/y
F = the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D)
H = the total annual hours of operation for the affected unit, h/y

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D)) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E)) for all affected process vents at the facility.

2) The owner or operator must record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility must provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1).

B) Safe sampling platforms.

C) Safe access to sampling platforms.

D) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the owner or operator must make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

A) The owner or operator must take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere, such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060A (Total Organic Carbon) of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111(a), or analyzed for its individual constituents.

D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in

determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each wastestream processed and the mean organic concentration of each wastestream managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include the following:

A) Production process information documenting that no organic compounds are used;

B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or

C) Prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation that manages hazardous wastes that have time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the waste is first managed in a waste management unit, whichever is later; and either of the following:

2) For continuously generated waste, annually; or

3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, direct measurement may be used to resolve the dispute, as specified in subsection (d)(1).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.935 Recordkeeping Requirements

a) Compliance Required

1) Each owner or operator subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart AA.

2) Up-to-date documentation of compliance with the process vent standards in Section 724.932, including the following:

A) Information and data identifying all affected process vents, annual throughput, and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units)

that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

3) Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

B) A detailed engineering description of the closed-vent system and control device including the following:

i) Manufacturer's name and model number of control device;

ii) Type of control device;

iii) Dimensions of the control device;

iv) Capacity; and

v) Construction materials.

C) 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.

4) Documentation of compliance with Section 724.933 must include the following information:

A) A list of all information references and sources used in preparing the documentation.

B) Records, including the dates of each compliance test required by Section 724.933(k).

C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and

instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (b)(4)(C)(vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.

iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 724.933(d).

v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system, such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system, such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 724.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 724.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement.

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include the following:

1) Description and date of each modification that is made to the closed-vent system or control device design.

2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 724.933(f)(1) and (f)(2).

3) Monitoring, operating and inspection information required by Section 724.933(f) through (k).

4) Date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, any period when the combustion temperature is below 760°C.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, any period when the combustion zone temperature is more than 28 C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).

C) For a catalytic vapor incinerator, any period when:

i) Temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii); or

ii) Temperature difference across the catalyst bed is less than 80% of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).

D) For a boiler or process heater, any period when either of the following occurs:

i) Flame zone temperature is more than 28 °C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or

ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 724.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v).

G) For a condenser that complies with Section 724.933(f)(2)(F)(ii), any period when the following occurs:

i) Temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v).

ii) Temperature of the coolant fluid exiting the condenser is more than 6°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).

H) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).

I) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and complies with Section 724.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of subsection (b)(4)(C)(vi).

5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation.

6) For a carbon adsorption system operated subject to requirements specified in Section 724.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon.

7) For a carbon adsorption system operated subject to requirements specified in Section 724.933(h)(1), a log that records the following:

   A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading; and

   B) Date when existing carbon in the control device is replaced with fresh carbon.

8) Date of each control device startup and shutdown.

9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 724.933(o) must record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 724.933(o), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.

10) When each leak is detected, as specified in Section 724.933(l), the following information must be recorded:

   A) The instrument identification number; the closed-vent system component identification number; and the operator name, initials, or identification number.

   B) The date the leak was detected and the date of first attempt to repair the leak.

   C) The date of successful repair of the leak.

   D) Maximum instrument reading measured by Reference Method 21 (Determination of Volatile Organic Compound Leaks) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), after it is successfully repaired or determined to be nonrepairable.

E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

d) Records of the monitoring, operating, and inspection information required by subsections (c)(3) through (c)(10) must be kept at least three years following the date of each occurrence, measurement, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify the appropriate recordkeeping requirements.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 724.932, including supporting documentation as required by Section 724.934(d)(2), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.936 Reporting Requirements

a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart AA to the Agency by dates specified in the RCRA permit. The report must include the following information:

1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.

2) For each month during the semiannual reporting period the following:

A) Dates when the control device did the following:

i) Exceeded or operated outside of the design specifications, as defined in Section 724.935(c)(4); and

ii) Such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions, as defined by Reference Method 22 monitoring;

B) The duration and cause of each exceedance or visible emissions; and

C) Any corrective measures taken.

b) If, during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications, as defined in Section 724.935(c)(4), for more than 24 hours or a flare does not operate with visible emissions, as defined in Section 724.933(d), a report to the Agency is not required.

(Source: Amended at 40 Ill. Reg. 11726, effective August 9, 2016)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

a) The regulations in this Subpart BB apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).

b) Except as provided in Section 724.964(k), this Subpart BB applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705;

2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.117 (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or

3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.117 (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

c) Until the owner or operator receives a final permit incorporating the requirements of this Subpart BB, the owner or operator is subject to the requirements of Subpart BB of 35 Ill. Adm. Code 725.

d) Each piece of equipment to which this Subpart BB applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).

f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of Sections 724.952 through 724.960 if it is identified as required in Section 724.964(g)(6).

g) This subsection (g) corresponds with 40 CFR 264.1050(g), which relates exclusively to a facility outside Illinois. This statement maintains structural consistency with the corresponding federal regulations.

h) Purged coatings and solvents from surface coating operations subject to the federal national emission standards for hazardous air pollutants (NESHAPs) for the surface coating of automobiles and light-duty trucks at subpart IIII of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks) are not subject to the requirements of this Subpart BB.

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.951 Definitions

As used in this Subpart BB, all terms have the meaning given them in Section 724.931, section 1004 of the Resource Conservation and Recovery Act, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728 and 738.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.952 Standards: Pumps in Light Liquid Service

a) Monitoring

1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 724.963(b), except as provided in subsections (d), (e), and (f).

2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks

1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:

1) Each dual mechanical seal system must be as follows:

A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures;

B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 724.960; or

C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere.

2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.

5) Alarms

A) Each sensor as described in subsection (d)(3) must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.

B) The owner or operator must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

6) Leaks

A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in subsection (d)(5)(B), a leak is detected.

B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

C) A first attempt at repair (e.g., relapping the seal) must be made no later than five calendar days after each leak is detected.

e) Any pump that is designated, as described in Section 724.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c), and (d), if the pump meets the following requirements:

1) It must have no externally actuated shaft penetrating the pump housing.

2) It must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background, as measured by the methods specified in Section 724.963(c).

3) It must be tested for compliance with subsection (e)(2) initially upon designation, annually and at other times, as specified in the RCRA permit.

f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 724.960, it is exempt from the requirements of subsections (a) through (e).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.953 Standards: Compressors

a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i).

b) Each compressor seal system, as required in subsection (a), must be as follows:

1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure; or

2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 724.960; or

3) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to atmosphere.

c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

d) Each barrier fluid system, as described in subsections (a) through (c), must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

e) Failure Detection

1) Each sensor as required in subsection (d) must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly, unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2) The owner or operator must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2), a leak is detected.

g) Repairs

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

h) A compressor is exempt from the requirements of subsections (a) and (b) if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 724.960, except as provided in subsection (i).

i) Any compressor that is designated, as described in Section 724.964(g)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a) through (h) if the following is true of the compressor:

1) It is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).

2) It is tested for compliance with subsection (i)(1) initially upon designation, annually and other times, as specified in the RCRA permit.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.954 Standards: Pressure Relief Devices in Gas/Vapor Service

a) Except during pressure releases, each pressure relief device in gas-vapor service must be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).

b) Actions Following Pressure Release

1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than five calendar days after each pressure release, except as provided in Section 724.959.

2) No later than five calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 724.963(c).

c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 724.960 is exempt from the requirements of subsections (a) and (b).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.955 Standards: Sampling Connecting Systems

a) Each sampling connection system must be equipped with a closed-purge, closed-loop, or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

b) Each closed-purge, closed-loop, or closed-vent system, as required in subsection (a), must meet one of the following requirements:

1) It must return the purged process fluid directly to the process line;

2) It must collect and recycle the purged process fluid; or

3) It must be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of Sections 724.984 through 724.986 or a control device that complies with the requirements of Section 724.960.

c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.956 Standards: Open-Ended Valves or Lines

a) Equipment

1) Each open-ended valve or line must be equipped with a cap, blind flange, plug, or a second valve.

2) The cap, blind flange, plug, or second valve must seal the open end at all times except during operations requiring hazardous wastestream flow through the open-ended valve or line.

b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous wastestream end is closed before the second valve is closed.

c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) at all other times.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.957 Standards: Valves in Gas/Vapor or Light Liquid Service

a) Each valve in gas-vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 724.963(b) and must comply with subsections (b) through (e), except as provided in subsections (f), (g), and (h), and in Sections 724.961 and 724.962.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Monitoring Frequency

1) Any valve for which a leak is not detected for two successive months must be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.

2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months.

d) Leak Repair

1) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 724.959.

2) A first attempt at repair must be made no later than five calendar days after each leak is detected.

e) First attempts at repair include, but are not limited to the following best practices where practicable:

1) Tightening bonnet bolts.

2) Replacing bonnet bolts.

3) Tightening packing gland nuts.

4) Injecting lubricant into lubricated packing.

f) Any valve that is designated, as described in Section 724.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) if the following is true of the valve:

1) It has no external actuating mechanism in contact with the hazardous wastestream.

2) It is operated with emissions less than 500 ppm above background as determined by the method specified in Section 724.963(c).

3) It is tested for compliance with subsection (f)(2) initially upon designation, annually, and at other times as specified in the RCRA permit.

g) Any valve that is designated, as described in Section 724.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a), if the following occurs:

1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a).

2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

h) Any valve that is designated, as described in Section 724.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a), if the following occurs:

1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;

2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and

3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors

a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within five days by the method specified in Section 724.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Repairs

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 724.959.

2) The first attempt at repair must be made no later than five calendar days after each leak is detected.

d) First attempts at repair include, but are not limited to, the best practices described under Section 724.957(e).

e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) and from the recordkeeping requirements of Section 724.964.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.959 Standards: Delay of Repair

a) Delay of repair of equipment for which leaks have been detected is allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown.

b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.

c) Delay of repair for valves is allowed if the following are true:

1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair; and

2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 724.960.

d) Delay of repair for pumps is allowed if the following are true:

1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and

2) Repair is completed as soon as practicable, but not later than six months after the leak was detected.

e) Delay of repair beyond a hazardous waste management unit shutdown is allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown is not allowed unless the next hazardous waste management unit shutdown occurs sooner than six months after the first hazardous waste management unit shutdown.

(Source: Amended at 27 Ill. Reg. 3725, effective February 14, 2003)

Section 724.960 Standards: Closed-Vent Systems and Control Devices

a) An owner or operator of a closed-vent system or control device subject to this Subpart BB must comply with the provisions of Section 724.933.

b) Implementation Schedule

1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart BB on the effective date that the facility becomes subject to the provisions of this Subpart BB must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart BB for installation and startup.

2) Any unit that is subject to the provisions of this Subpart BB when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart BB must comply with all requirements of this Subpart BB as soon as practicable but no later than 30 months after the effective date of the

amendment. When control equipment required by this Subpart BB cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart BB due to an action other than those described in subsection (b)(3) must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart BB; the 30-month implementation schedule does not apply).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.961 Alternative Percentage Standard for Valves

a) An owner or operator subject to the requirements of Section 724.957 may elect to have all valves within a hazardous waste management unit comply with an alternative standard that allows no greater than two percent of the valves to leak.

b) The following requirements must be met if an owner or operator decides to comply with the alternative standard of allowing two percent of valves to leak:

1) A performance test as specified in subsection (c) must be conducted initially upon designation, annually and other times specified in the RCRA permit.

2) If a valve leak is detected it must be repaired in accordance with Section 724.957(d) and (e).

c) Performance tests must be conducted in the following manner:

1) All valves subject to the requirements in Section 724.957 within the hazardous waste management unit must be monitored within one week by the methods specified in Section 724.963(b).

2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 724.957 for which leaks are detected by the total number of valves subject to the requirements in Section 724.957 within the hazardous waste management unit.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.962 Skip Period Alternative for Valves

a) An owner or operator subject to the requirements of Section 724.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (b)(3).

b) Reduced Monitoring

1) An owner or operator must comply with the requirements for valves, as described in Section 724.957, except as described in subsections (b)(2) and (b)(3).

2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 724.957.

3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 724.957.

4) If the percentage of valves leaking is greater than 2 percent, the owner or operator must monitor monthly in compliance with the requirements in Section 724.957, but may again elect to use this Section after meeting the requirements of Section 724.957(c)(1).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.963 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart BB must comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be as follows:

A) Zero air (less than 10 ppm of hydrocarbon in air); and

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.

5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f), the test must comply with the following requirements:

1) The requirements of subsections (b)(1) through (b)(4) apply.

2) The background level must be determined as set forth in Reference Method 21.

3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

1) Methods described in ASTM Methods D 2267-88 (Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography), E 168-88 (Standard Practices for General Techniques of Infrared Quantitative Analysis), E 169-87 (Standard Practices for

General Techniques of Ultraviolet-Visible Quantitative Analysis), or E 260-85 (Standard Practice for Packed Column Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111(a);

2) Method 9060A (Total Organic Carbon) of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), for computing total organic concentration of the sample, or analyzed for its individual constituents; or

3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2).

f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) must be used to resolve the dispute.

g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 724.934(c)(1) through (c)(4).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.964 Recordkeeping Requirements

a) Lumping Units

1) Each owner or operator subject to the provisions of this Subpart BB must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart BB may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For each piece of equipment to which this Subpart BB applies, the following:

A) Equipment identification number and hazardous waste management unit identification.

B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).

C) Type of equipment (e.g., a pump or pipeline valve).

D) Percent-by-weight total organics in the hazardous wastestream at the equipment.

E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).

F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

2) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule, as specified in that Section.

3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 724.935(b)(3).

4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).

c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957, or 724.958, the following requirements apply:

1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.

2) The identification on equipment except on a valve, may be removed after it has been repaired.

3) The identification on a valve may be removed after it has been monitored for two successive months as specified in Section 724.957(c) and no leak has been detected during those two months.

d) When each leak is detected as specified in Section 724.952, 724.953, 724.957, or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:

1) The instrument and operator identification numbers and the equipment identification number.

2) The date evidence of a potential leak was found in accordance with Section 724.958(a).

3) The date the leak was detected and the dates of each attempt to repair the leak.

4) Repair methods applied in each attempt to repair the leak.

5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.

6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).

8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.

9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

10) The date of successful repair of the leak.

e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record, as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).

f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency must specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.

g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart BB.

2) List of Equipment

A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i), and 724.957(f).

B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i), or 724.957(f) must be signed by the owner or operator.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).

4) Compliance Tests

A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per year.

h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:

1) A schedule of monitoring.

2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept in the facility operating record:

1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.

2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions, as provided in Section 724.950 and other specific Subparts:

1) An analysis determining the design capacity of the hazardous waste management unit.

2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) and the operating information required by subsection (e) need be kept only three years.

m) The owner or operator of any facility with equipment that is subject to this Subpart BB and to regulations at federal 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), may elect to determine compliance with this Subpart BB by documentation of compliance either pursuant to Section 724.964 or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant provisions of 40 CFR 60, 61, or 63, each incorporated by reference in 35 Ill. Adm. Code 720.111(b). The documentation of compliance under the regulation at 40 CFR 60, 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.965 Reporting Requirements

a) A semiannual report must be submitted by owners and operators subject to the requirements of this Subpart BB to the Agency by dates specified in the RCRA permit. The report must include the following information:

1) The USEPA identification number (35 Ill. Adm. Code 722.112), name, and address of the facility.

2) For each month during the semiannual reporting period, the following:

A) The equipment identification number of each valve for which a leak was not repaired, as required in Section 724.957(d).

B) The equipment identification number of each pump for which a leak was not repaired, as required in Section 724.952(c) and (d)(6).

C) The equipment identification number of each compressor for which a leak was not repaired, as required in Section 724.953(g).

3) Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period.

4) For each month during the semiannual reporting period, dates when the control device installed as required by Sections 724.952, 724.953, 724.954, or 724.955, exceeded or operated outside of the design specifications, as defined in Section 724.964(e) and as indicated by the control device monitoring required by Section 724.960 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken.

b) If, during the semiannual reporting period, leaks from valves, pumps, and compressors are repaired as required in Sections 724.957(d), 724.952(c) and (d)(6), and 724.953(g), respectively, and the control device does not exceed or operate outside of the design specifications, as defined in Section 724.964(e) for more than 24 hours, a report to the Agency is not required.

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

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

Section 724.980 Applicability

a) The requirements of this Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart I, J, or K, except as Section 724.101 and subsection (b) provide otherwise.

b) The requirements of this Subpart CC do not apply to the following waste management units at the facility:

1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

2) A container that has a design capacity less than or equal to 0.1 m^3 (3.5 ft^3 or 26.4 gal).

3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or State authorities.

6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act of 1954 (42 USC 2011 et seq.) and the Nuclear Waste Policy Act of 1982 (42 USC 10101 et seq.).

7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b). For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).

8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.

c) Until the owner and operator receives a final permit incorporating the requirements of this Subpart CC, the owner and operator are subject to the requirements of Subpart CC of 35 Ill. Adm. Code 725.

d) The requirements of this Subpart CC, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing

and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection (d), "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1).

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2). The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.981 Definitions

As used in this Subpart CC, all terms will have the meaning given to them in 35 Ill. Adm. Code 725.981; section 1004 of the federal Resource Conservation and Recovery Act (42 USC 6903), incorporated by reference in 35 Ill. Adm. Code 720.111; and 35 Ill. Adm. Code 720 through 726.

(Source: Amended at 40 Ill. Reg. 11726, effective August 9, 2016)

Section 724.982 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart CC.

b) The owner or operator must control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c).

c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:

1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 724.983(a). The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_t) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 724.983(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the

process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 724.983(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions are met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 724.983(b).

ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 724.983(b).

E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of federal subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems) to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 724.983(b).

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination must be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

H) A boiler or industrial furnace for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

ii) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart O of 35 Ill. Adm. Code 725.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F), the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i) If Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), is used for the analysis, one-half the blank value determined in Section 4.4 of the method or a value of 25 ppmw, whichever is less.

ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25°C.

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D).

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:

A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728; or

B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or have been removed or destroyed by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under federal subpart FF of 40 CFR 61 (National Emission Standard for Benzene Waste Operations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section, as follows:

1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 724.983(b).

2) In performing a waste determination pursuant to subsection (d)(1), the sample preparation and analysis must be conducted as follows:

A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B).

B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in

the tank, surface impoundment, or container, then the Agency may choose an appropriate method.

3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) must be used to establish compliance with the requirements of this Subpart CC.

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period, as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 724.983(a).

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C).

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 must be considered by the Agency together with

the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart CC.

(Source: Amended at 40 Ill. Reg. 11726, effective August 9, 2016)

Section 724.983 Waste Determination Procedures

a) Waste Determination Procedure for Average Volatile Organic (VO) Concentration of a Hazardous Waste at the Point of Waste Origination

1) An owner or operator must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls. Thereafter, an owner or operator must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 724.982.

2) For a waste determination that is required by subsection (a)(1), the average VO concentration of a hazardous waste at the point of waste origination must be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).

b) Waste Determination Procedures for Treated Hazardous Waste

1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit. Thereafter, an owner or operator must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 724.982(c)(2) are not achieved.

2) The waste determination for a treated hazardous waste must be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.

c) Procedure to Determine the Maximum Organic Vapor Pressure of a Hazardous Waste in a Tank

1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 724.984(c).

2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC must be conducted in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(d).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.984 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

b) The owner or operator must control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the owner or operator must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) or the Tank Level 2 controls specified in subsection (d).

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:

i) For a tank design capacity equal to or greater than 151 m^3 (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).

ii) For a tank design capacity equal to or greater than 75 m^3 (19,800 gal) but less than 151 m^3 (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).

iii) For a tank design capacity less than 75 m^3 (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A).

C) The owner or operator does not treat the hazardous waste in the tank using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the owner or operator must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d). Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A).

c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4):

1) The owner or operator must determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator must perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A), as applicable to the tank.

2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof:

i) The opening or manifold system is equipped with a closure device designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

E) The control device operated pursuant to subsection (c)(2)(C) needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii), venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 264.1084(c)(2)(iii)(B)(*1*) and (c)(2)(iii)(B)(*2*), which the Board has codified here to comport with Illinois Administrative Code format requirements.

3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample

the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator must inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator must perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank

becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except under the special conditions provided for in subsection (l).

C) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k).

D) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e);

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f);

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g);

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h); or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i).

e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof must meet the requirements specified in subsections (e)(1) through (e)(3).

1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or

ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

C) The internal floating roof must meet the following specifications:

i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.

ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.

iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.

iv) Each automatic bleeder vent and rim space vent must be gasketed.

v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

2) The owner or operator must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or

fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

3) The owner or operator must inspect the internal floating roof in accordance with the procedures specified as follows:

A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.

B) The owner or operator must inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C):

i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and

ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.

C) As an alternative to performing the inspections specified in subsection (e)(3)(B) for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C), the owner or operator must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator must notify the Agency of the date and location of the inspection, as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii).

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k).

F) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3).

1) The owner or operator must design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge.

The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm^2) per meter (10.0 square inches (in^2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm^2 per meter (1.00 in^2 per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

viii) Each slotted guide pole must be equipped with a gasketed float or other device that closes off the liquid surface from the atmosphere.

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

3) The owner or operator must inspect the external floating roof in accordance with the procedures specified as follows:

A) The owner or operator must measure the external floating roof seal gaps in accordance with the following requirements:

i) The owner or operator must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

ii) The owner or operator must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.

iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii).

iv) The owner or operator must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D).

v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B), the owner or operator must repair the defect in accordance with the requirements of subsection (k).

vi) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

B) The owner or operator must visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but

are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

ii) The owner or operator must perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (l).

iii) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k).

iv) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the owner or operator must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator must notify the Agency of the date and location of the inspection, as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A), written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii).

iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) For a seal gap measured under subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B).

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 264.1084(f)(3)(i)(D)(*1*) through (f)(3)(i)(D)(*4*), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f).

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device must meet the requirements specified in subsections (g)(1) through (g)(3).

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure device must be designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor

headspace underneath the fixed roof vented to the control device, except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator must inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (l).

D) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k).

E) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions, as determined using the procedure specified in Section 724.983(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere, except under either of the following two conditions:

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to avoid an unsafe condition.

B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 724.987.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (i)(1) through (i)(4).

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator

must perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2).

4) The owner or operator must inspect and monitor the closed-vent system and control device, as specified in Section 724.987.

j) The owner or operator must transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2), to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) The requirements of subsection (j)(1) do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

C) The hazardous waste meets the requirements of Section 724.982(c)(4).

k) The owner or operator must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3), as follows:

1) The owner or operator must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2).

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator must repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

l) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart CC, as frequently as practicable during those times when a worker can safely access the cover.

2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.985 Standards: Surface Impoundments

a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.

b) The owner or operator must control air pollutant emissions from the surface impoundment by installing and operating either of the following:

1) A floating membrane cover in accordance with the provisions specified in subsection (c); or

2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d).

c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3).

1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:

A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.

B) The cover must be fabricated from a synthetic membrane material that is either of the following:

i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.098 in); or

ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E), each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other

open spaces in the closure device or between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly replace the cover and secure the closure device in the closed position, as applicable.

ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator must inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator must perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (g).

C) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (f).

D) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device must meet the requirements specified in subsections (d)(1) through (d)(3).

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor

headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 724.983(d).

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical and which will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device, except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator must inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The surface impoundment cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator must perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (g).

D) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (f).

E) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

e) The owner or operator must transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (e)(2), to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) The requirements of subsection (e)(1) do not apply when transferring a hazardous waste to the surface impoundment under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

C) The hazardous waste meets the requirements of Section 724.982(c)(4).

f) The owner or operator must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) as follows:

1) The owner or operator must make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2).

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator must repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart CC as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

b) General Requirements

1) The owner or operator must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) apply to the container.

A) For a container having a design capacity greater than 0.1 m^3 (26 gal) and less than or equal to 0.46 m^3 (120 gal), the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

B) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is not in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c).

C) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).

2) When a container having a design capacity greater than 0.1 m^3 (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 Standards

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install

the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices, as follows:

A) If a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container, as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest(USEPA Form 8700-22), incorporated by reference in 35 Ill. Adm. Code 720.111, as required under

Section 724.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C).

B) If a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the owner or operator must make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m^3 (120 gal) or greater that do not meet applicable USDOT regulations, as specified in subsection (f), are not managing hazardous waste in light material service.

d) Container Level 2 Standards

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f).

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g).

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code

720.111(b), in accordance with the procedure specified in subsection (h).

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon whichever of the following conditions occurs first: the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container, as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices, as follows:

A) If a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (USEPA Form 8700-22), incorporated by reference in 35 Ill. Adm. Code 722.111, as required under Section 724.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C).

B) If a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C).

C) When a defect is detected for the container, cover, or closure devices, the owner or operator must make first efforts at repair of

the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 Standards

1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B).

B) A container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).

2) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator must perform the verification procedure for the enclosure, as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices, as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 724.989(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation, as follows:

1) The container meets the applicable requirements specified by USDOT in 49 CFR 178 (Specifications for Packaging), or 49 CFR 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified by USDOT in subpart B of 49 CFR 107 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 49 CFR 173 (Shippers—General Requirements for Shipments and Packages), and 49 CFR 180 (Continuing Qualification and Maintenance of Packagings), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

3) For the purpose of complying with this Subpart CC, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4).

4) For a lab pack that is managed in accordance with the USDOT requirements of 49 CFR 178 (Specifications for Packagings), for the purpose of complying with this Subpart CC, an owner or operator may comply with the exceptions for combination packagings specified by USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

g) To determine compliance with the no detectable organic emissions requirement of subsection (d)(1)(B), the procedure specified in Section 724.983(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) Procedure for Determining a Container to be Vapor-Tight Using Reference Method 27 for the Purpose of Complying with Subsection (d)(1)(C)

1) The test must be performed in accordance with Reference Method 27.

2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 0.75 kPa (0.11 psig) within five minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 43 Ill. Reg. 601, effective December 6, 2018)

Section 724.987 Standards: Closed-Vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart CC.

b) The closed-vent system must meet the following requirements:

1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c).

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 724.933(k).

3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator, as specified in subsection (b)(3)(A), or a seal or locking device, as specified in subsection (b)(3)(B). For the purpose of complying with this subsection (b), low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection (b), a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(l).

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or

C) A flare designed and operated in accordance with the requirements of Section 724.933(d).

2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F).

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) for control devices do not apply during a control device system malfunction.

D) The owner or operator must demonstrate compliance with the requirements of subsection (c)(2)(A) (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).

E) The owner or operator must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The owner or operator must operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis, in accordance with the requirements of Section 724.933(g) or Section 724.933(h).

B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 724.933(n), regardless of the average volatile organic concentration of the carbon.

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the requirements of Section 724.933(j).

5) The owner or operator must demonstrate that a control device achieves the performance requirements of subsection (c)(1), as follows:

A) An owner or operator must demonstrate using either a performance test, as specified in subsection (c)(5)(C), or a design analysis, as specified in subsection (c)(5)(D), the performance of each control device, except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

iv) A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates the unit in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726; or

v) A boiler or industrial furnace burning hazardous waste that the owner or operator has designed and operates in

accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.

B) An owner or operator must demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A), the owner or operator must use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A), the design analysis must meet the requirements specified in Section 724.935(b)(4)(C).

E) The owner or operator must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C). The Agency may choose to have an authorized representative observe the performance test.

7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f)(2) and (l). The readings from each monitoring device required by Section 724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.988 Inspection and Monitoring Requirements

a) The owner or operator must inspect and monitor air emission control equipment used to comply with this Subpart CC in accordance with the applicable requirements specified in Section 724.984 through Section 724.987.

b) The owner or operator must develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a). The owner or operator must incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 724.115.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.989 Recordkeeping Requirements

a) Each owner or operator of a facility subject to the requirements of this Subpart CC must record and maintain the information specified in subsections (b) through (j), as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j), records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) must be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.980(d) or (b)(7), respectively.

b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 must prepare and maintain records for the tank that include the following information:

1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator must record the following:

A) A tank identification number (or other unique identification description, as selected by the owner or operator).

B) A record for each inspection required by Section 724.984 that includes the following information:

i) Date inspection was conducted.

ii) For each defect detected during the inspection: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of Section 724.984, the owner or operator must also record the reason for the delay

and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1), the owner or operator must record the following information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) must prepare and maintain documentation describing the floating roof design.

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) must prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) must prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and

Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 724.985 must prepare and maintain records for the surface impoundment that include the following information:

1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).

2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 724.985(c).

3) A record for each inspection required by Section 724.985 that includes the following information:

A) Date inspection was conducted.

B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator must also record the reason for the delay and the date that completion of repair of the defect is expected.

4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator must prepare and maintain the records specified in subsection (e).

d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 must prepare and maintain records that include the following information:

1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the

criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 must prepare and maintain records that include the following information:

1) Documentation for the closed-vent system and control device that includes the following:

A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) or by performance tests as specified in subsection (e)(1)(C) when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.

D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.

E) An owner or operator must record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) A description of the planned routine maintenance that is anticipated to be performed for the control device during

the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

F) An owner or operator must record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

i) The occurrence and duration of each malfunction of the control device system.

ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).

f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) must prepare and maintain the following records, as applicable:

1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(F), the owner or operator must record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste

determination, then the owner or operator must record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 724.983.

2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator must record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) must record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

h) The owner or operator of a facility that is subject to this Subpart CC and to the control device standards in federal subpart VV of 40 CFR 60 (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry) or subpart V of 40 CFR 61 (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), may elect to demonstrate compliance with the applicable Sections of this Subpart CC by documentation either pursuant to this Subpart CC, or pursuant to the provisions of subpart VV of 40 CFR 60 or subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator must record and maintain the following information:

1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).

2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this

hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each container: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) in the tanks or containers identified pursuant to subsection (i)(2) would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:

A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

j) For each hazardous waste management unit not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the

requirements of Section 724.980(b)(7), the owner and operator must record and maintain the following information:

1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63.

2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.990 Reporting Requirements

a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) must report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste that fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(F). The owner or operator must submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report must contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report must be signed and dated by an authorized representative of the owner or operator.

b) Each owner or operator using air emission controls on a tank in accordance with the requirements of Section 724.984(c) must report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(b). The owner or operator must submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report must contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report must be signed and dated by an authorized representative of the owner or operator.

c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 must submit a semiannual written report to the Agency, except as provided for in subsection (d). The report must describe each occurrence during the previous six-month period when either of the two following events occurs: a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d). The written report must include the USEPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report must be signed and dated by an authorized representative of the owner or operator.

d) A report to the Agency in accordance with the requirements of subsection (c) is not required for a six-month period during which all control devices subject to this Subpart CC are operated by the owner or operator so that both of the following conditions result: during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) and no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.991 Alternative Control Requirements for Tanks (Repealed)

(Source: Repealed at 22 Ill. Reg. 636, effective December 16, 1997)

SUBPART DD: CONTAINMENT BUILDINGS

Section 724.1100 Applicability

The requirements of this Subpart DD apply to owners or operators who store or treat hazardous waste in units designed and operated under Section 724.1101. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the unit fulfills the following:

a) It is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to the following:

1) pressure gradients;

2) settlement, compression, or uplift;

3) physical contact with the hazardous wastes to which they are exposed;

4) climatic conditions; or

5) the stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment within the unit and contact of such equipment with containment walls.

b) It has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel, wastes, and handling equipment within the unit.

c) If used to manage liquids, the unit has the following:

1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;

2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and

3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance from the secondary containment system requirements under Section 724.1101(b)(4);

d) It has controls sufficient to permit fugitive dust emissions to meet the no visible emission standard in Section 724.1101(c)(1)(A); and

e) It is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Amended at 32 Ill. Reg. 12365, effective July 14, 2008)

Section 724.1101 Design and Operating Standards

a) All containment buildings must comply with the following design and operating standards:

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run on) and to assure containment of managed wastes.

2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b), must be designed and constructed of materials of sufficient strength and thickness to support

themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building must meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM). If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet the following criteria:

A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(D); and

B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.

3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include the following design features:

1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:

A) The primary barrier must be sloped to drain liquids to the associated collection system; and

B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.

3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.

A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum, as follows:

i) It is constructed with a bottom slope of 1 percent or more; and

ii) It is constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more.

B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.

C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 724.293(e)(1). In addition, the containment building must meet the requirements of Section 724.293(b), (c)(1) and (c)(2) to be an acceptable secondary containment system for a tank.)

4) This subsection (b)(4) corresponds with 40 CFR 264.1101(b)(4), which is now obsolete and without effect. This statement maintains structural consistency with the federal rules.

c) An owner or operator of a containment building must do each of the following:

1) It must use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum do each of the following:

A) It must maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

B) It must maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

C) It must take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and

D) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b)). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator, etc.) must be operated and maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: At 40 CFR 264.1101(c)(1)(iv) (2005), USEPA cites "40 CFR part 60, subpart 292". At 57 Fed. Reg. 37217 (Aug. 18, 1992), USEPA repeats this citation in the preamble discussion of adoption of the rules. No such provision exists in the Code of Federal Regulations. While 40 CFR 60.292 of the federal regulations pertains to control of fugitive dust emissions, that provision is limited in its application to glass melting furnaces. The Board has chosen to use the general citation: "40 CFR 60".

2) It must obtain and keep on site a certification by a qualified Professional Engineer that the containment building design meets the requirements of subsections (a) through (c).

3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures:

A) Upon detection of a condition that has led to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must do the following:

i) Enter a record of the discovery in the facility operating record;

ii) Immediately remove the portion of the containment building affected by the condition from service;

iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and

iv) Within seven days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

B) The Agency must review the information submitted, make a determination in accordance with Section 34 of the Act, regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv).

4) It must inspect and record in the facility's operating record data gathered from monitoring and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building, to detect signs of releases of hazardous waste at least once every seven days.

d) For a containment building that contains areas both with and without secondary containment, the owner or operator must do the following:

1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c);

2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

e) Notwithstanding any other provision of this Subpart DD, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.1102 Closure and Post-Closure Care

a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Subparts G and H.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (Section 724.410). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in Subparts G and H.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section 724.1200 Applicability

The requirements of this Subpart EE apply to owners or operators who store munitions and explosive hazardous wastes, except as Section 724.101 provides otherwise.

BOARD NOTE: Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (Subpart DD of this Part), tanks (Subpart J of this Part), or containers (Subpart I of this Part); see 35 Ill. Adm. Code 726.305 for storage of waste military munitions.

(Source: Added at 22 Ill. Reg. 17972, effective September 28, 1998)

Section 724.1201 Design and Operating Standards

a) An owner or operator of a hazardous waste munitions and explosives storage unit must design and operate the unit with containment systems, controls, and monitoring that fulfill each of the following requirements:

1) The owner or operator minimizes the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off to the soil, groundwater, surface water, and atmosphere;

2) The owner or operator provides a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;

3) For wastes stored outdoors, the owner or operator provides that the waste and containers will not be in standing precipitation;

4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or a vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and

5) The owner or operator provides monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

b) Hazardous waste munitions and explosives stored under this Subpart EE may be stored in one of the following:

1) Earth-covered magazines. The owner or operator of an earth-covered magazine must fulfill each of the following requirements:

A) The magazine is constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

B) The magazine is so designed and constructed that it fulfills each of the following requirements:

i) The magazine is of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

ii) The magazine provides working space for personnel and equipment in the unit; and

iii) The magazine can withstand movement activities that occur in the unit; and

C) The magazine is located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

2) Above-Ground Magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

3) Outdoor or Open Storage Areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

c) An owner or operator must store hazardous waste munitions and explosives in accordance with a standard operating procedure that specifies procedures that ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section 724.114, the preparedness and prevention procedures of Subpart C, and the contingency plan and emergency procedures requirements of Subpart D, then the standard operating procedure may be used to fulfill those requirements.

d) An owner or operator must package hazardous waste munitions and explosives to ensure safety in handling and storage.

e) An owner or operator must inventory hazardous waste munitions and explosives at least annually.

f) An owner or operator must inspect and monitor hazardous waste munitions and explosives and their storage units as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.1202 Closure and Post-Closure Care

a) At closure of a magazine or unit that stored hazardous waste under this Subpart EE, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in Subparts G and H, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see Section 724.410).

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

Section 724.Appendix A Recordkeeping Instructions

See appendix I to 40 CFR 264 (Recordkeeping Instructions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.Appendix B EPA Report Form and Instructions (Repealed)

(Source: Repealed at 9 Ill. Reg. 11964, effective July 24, 1985)

Section 724.Appendix D Cochran's Approximation to the Behrens-Fisher Student's T-Test

See appendix IV to 40 CFR 264 (Cochran's Approximation to the Behrens-Fisher Students' T-Test), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.Appendix E Examples of Potentially Incompatible Waste

See appendix V to 40 CFR 264 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3196, effective February 23, 2006)

Section 724.APPENDIX I Groundwater Monitoring List

a) Common names are those widely used in government regulations, scientific publications and commerce; synonyms exist for many chemicals.

b) "CAS RN" means "Chemical Abstracts Service Registry Number". Where "total" is entered, all species in the groundwater that contain this element are included.

c) CAS index names are those used in the 9th Cumulative index.

d) PCBs (CAS RN 1336-36-3). This category contains congener chemicals, including constituents Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 53469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1) and Aroclor-1260 (CAS RN 11096-82-5).

e) PCDDs. This category includes congener chemicals, including tetrachloro-dibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins and hexachlorodibenzo-p-dioxins.

f) PCDFs. This category contains congener chemicals, including tetrachloro-dibenzofurans, pentachlorodibenzofurans, and hexachlorodibenzofurans.

Common Name	CAS RN	Chemical Abstracts Service Index Name
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-
Acenaphthylene	208-96-8	Acenaphthylene
Acetone	67-64-1	2-Propanone
Acetophenone	98-86-2	Ethanone, 1-phenyl-
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-
Acrolein	107-02-8	2-Propenal

Acrylonitrile	107-13-1	2-Propenenitrile
Aldrin	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro- (1α,4α,4aβ,5α,8α,8aβ)-
Allyl chloride	107-05-1	1-Propene, 3-chloro-
4-Aminobiphenyl	92-67-1	(1,1'-Biphenyl)-4-amine
Aniline	62-53-3	Benzenamine
Anthracene	120-12-7	Anthracene
Antimony	(Total)	Antimony
Aramite	140-57-8	Sulfurous acid, 2-chloroethyl 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester
Arsenic	(Total)	Arsenic
Barium	(Total)	Barium
Benzene	71-43-2	Benzene
Benzo(a)anthracene; Benz-anthracene	56-55-3	Benz(a)anthracene
Benzo(b)fluoranthene	205-99-2	Benz(e)acephenanthrylene
Benzo(k)fluoranthene	207-08-9	Benzo(k)fluoranthene
Benzo(ghi)perylene	191-24-2	Benzo(ghi)perylene
Benzo(a)pyrene	50-32-8	Benzo(a)pyrene
Benzyl alcohol	100-51-6	Benzenemethanol
Beryllium	(Total)	Beryllium
α-BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5β,6β)-
β-BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2β,3α,4β,5α,6β)-
δ-BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3α,4β,5α,6β)-
γ-BHC; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)-
Bis(2-chloroethoxy)-methane	111-91-1	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-
Bis(2-chloroethyl) ether	111-44-4	Ethane, 1,1'-oxybis(2-chloro-
Bis(2-chloro-1-methylethyl) ether; 2,2'-Dichlorodiiso-propyl ether	108-60-1	Propane, 2,2'-oxybis(1-chloro-
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethyl-hexyl) ester
Bromodichloromethane	75-27-4	Methane, bromodichloro-
Bromoform; Tribromo-methane	75-25-2	Methane, tribromo-
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy-
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester

Cadmium	Total	Cadmium
Carbon disulfide	75-15-0	Carbon disulfide
Carbon tetrachloride	56-23-5	Methane, tetrachloro-
Chlordane	57-74-9	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
p-Chloroaniline	106-47-8	Benzeneamine, 4-chloro-
Chlorobenzene	108-90-7	Benzene, chloro-
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4-chloro-α-(4-chlorophenyl)-α-hydroxy-, ethyl ester
p-Chloro-m-cresol	59-50-7	Phenol, 4-chloro-3-methyl-
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-
Chloroform	67-66-3	Methane, trichloro-
2-Chloronapthalene	91-58-7	Naphthalene, 2-chloro-
2-Chlorophenol	95-57-8	Phenol, 2-chloro-
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-
Chromium	(Total)	Chromium
Chrysene	218-01-9	Chrysene
Cobalt	(Total)	Cobalt
Copper	(Total)	Copper
m-Cresol	108-39-4	Phenol, 3-methyl-
o-Cresol	95-48-7	Phenol, 2-methyl-
p-Cresol	106-44-5	Phenol, 4-methyl-
Cyanide	57-12-5	Cyanide
2,4-D; 2,4-Dichlorophenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichlorophenoxy)-
4,4'-DDD	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis-(4-chloro-
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloroethylidene)bis(4-chloro-
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)-bis(4-chloro-
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
Dibenz(a,h)anthracene	53-70-3	Dibenz(a,h)anthracene
Dibenzofuran	132-64-9	Dibenzofuran
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibromo-3-chloro-
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester

o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-
m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-
3,3'-Dichlorobenzidine	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-
1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-
1,1-Dichloroethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-
trans-1,2-Dichloroethylene	156-60-5	Ethene, 1,2-dichloro-, (E)-
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-, (Z)-
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-
Dieldrin	60-57-1	(1aR,2R,2aS,3S,6R,6aR,7,7S,7aS)-rel-3,4,5,6,9,9-Hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphth(2,3-b)oxirene
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
Dimethoate	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-(2-(methylamino)-2-oxoethyl) ester
p-(Dimethylamino)azobenzene	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
7,12-Dimethylbenz(a)anthracene	57-97-6	Benz(a)anthracene,7,12-dimethyl-
3,3'-Dimethylbenzidine	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
α,α-Dimethylphenethylamine	122-09-8	Benzeneethanamine, α,α-dimethyl-
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-
4,6-Dinitro-o-cresol	534-52-1	Phenol, 2-methyl-4,6-dinitro-
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester

1,4-Dioxane	123-91-1	1,4-Dioxane
Diphenylamine	122-39-4	Benzeneamine, N-phenyl-
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S-(2-(ethylthio)ethyl) ester
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3α,5aβ,6α,9α,9aβ)-
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide, (3α,5aα,6β,9β,9aα)-
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin,6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3,3-dioxide
Endrin	72-20-8	2,7:3,6-Dimethanonaphth(2,3-b)oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-
Endrin aldehyde	7421-93-4	1,2,4-Methanocyclopenta(cd)pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1α,2β,2aβ,4β,4aβ,5β,6aβ,6bβ,7R)-
Ethylbenzene	100-41-4	Benzene, ethyl-
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester
Famphur	52-85-7	Phosphorothioic acid, O-(4-((dimethylamino)sulfonyl)phenyl)-O,O-dimethyl ester
Fluoranthene	206-44-0	Fluoranthene
Fluorene	86-73-7	9H-Fluorene
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno(1,2-b)oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aα,1bβ,2α,5α,5aβ,6β,6aα)-
Hexachlorobenzene	118-74-1	Benzene, hexachloro-
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
Hexachloroethane	67-72-1	Ethane, hexachloro-
Hexachlorophene	70-30-4	Phenol, 2,2'-methylenebis(3,4,6-trichloro-
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
2-Hexanone	591-78-6	2-Hexanone
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno(1,2,3-cd)pyrene

Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-
Isodrin	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1α,4α,4aβ,5β,8β,8aβ)-
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta-(c,d)penta-len-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-deca-chlorooctahydro-
Lead	(Total)	Lead
Mercury	(Total)	Mercury
Methacrylonitrile	126-96-7	2-Propenenitrile, 2-methyl-
Methapyrilene	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)-bis(4-methoxy-
Methyl bromide; Bromo-methane	74-83-9	Methane, bromo-
Methyl chloride; Chloro-methane	74-87-3	Methane, chloro-
3-Methylcholanthrene	56-49-5	Benz(j)aceanthrylene, 1,2-dihydro-3-methyl-
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-
Methyl ethyl ketone; MEK	78-93-3	2-Butanone
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester
2-Methylnaphthalene	91-57-6	Naphthylene, 2-methyl-
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-
Naphthalene	91-20-3	Naphthalene
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione
1-Naphthylamine	134-32-7	1-Naphthalenamine
2-Naphthylamine	91-59-8	2-Naphthalenamine
Nickel	(Total)	Nickel
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-
Nitrobenzene	98-95-3	Benzene, nitro-
o-Nitrophenol	88-75-5	Phenol, 2-nitro-
p-Nitrophenol	100-02-7	Phenol, 4-nitro-

4-Nitroquinoline 1-oxide	56-57-5	Quinoline, 4-nitro-, 1-oxide
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-
N-Nitrosodipropylamine; Di-n-propylnitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-
N-Nitrosomethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-
N-Nitrosomorpholine	59-89-2	Morpholine, 4-nitroso-
N-Nitrosopiperidene	100-75-4	Piperidene, 1-nitroso-
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-
Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester
Polychlorinated biphenyls; PCBs	See (g)	1,1'-Biphenyl, chloro derivatives
Polychlorinated dibenzo-p-dioxins; PCDDs	See (h)	Dibenzo(b,e)(1,4)dioxin, chloro derivatives
Polychlorinated dibenzofurans; PCDFs	See (i)	Bibenzofuran, chloro derivatives
Pentachlorobenzene	608-93-5	Benzene, pentachloro-
Pentachloroethane	76-01-7	Ethane, pentachloro-
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-
Pentachlorophenol	87-86-5	Phenol, pentachloro-
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)
Phenanthrene	85-01-8	Phenanthrene
Phenol	108-95-2	Phenol
p-Phenylenediamine	106-50-3	1,4-Benzenediamine
Phorate	298-02-2	Phosphorodithioic acid, O,O-diethyl S-((ethylthio)methyl) ester
2-Picoline	109-06-8	Pyridine, 2-methyl-
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile
Pyrene	129-00-0	Pyrene
Pyridine	110-86-1	Pyridine
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
Selenium	(Total)	Selenium
Silver	(Total)	Silver
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichloro-phenoxy)-
Styrene	100-42-5	Benzene, ethenyl-
Sulfide	18496-25-8	Sulfide
2,4,5-T; 2,4,5-Trichloro-phenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-

2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-8	Dibenzo(b,e)(1,4)dioxin, 2,3,7,8-tetrachloro-
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-
1,1,2,2,-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-
Tetrachloroethylene; Perchloroethylene; Tetrachloroethene	127-18-4	Ethene, tetrachloro-
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-
Tetraethyl dithiopyrophosphate; Sulfotepp	3689-24-5	Thiodiphosphoric acid $(((HO)_2P(S))_2O)$, tetraethyl ester
Thallium	(Total)	Thallium
Tin	(Total)	Tin
Toluene	108-88-3	Benzene, methyl-
o-Toluidine	95-53-4	Benzenamine, 2-methyl-
Toxaphene	8001-35-2	Toxaphene
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-
1,1,1-Trichloroethane; Methyl chloroform	71-55-6	Ethane, 1,1,1-trichloro-
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-
Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-
2,4,5-Trichlorophenol	95-96-4	Phenol, 2,4,5-trichloro-
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O-triethyl ester
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-
Vanadium	(Total)	Vanadium
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester
Vinyl chloride	75-01-4	Ethene, chloro-
Xylene (total)	1330-20-7	Benzene, dimethyl-
Zinc	(Total)	Zinc

(Source: Amended at 42 Ill. Reg. 22614, effective November 19, 2018)

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

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

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope, and Applicability
725.102 Electronic Reporting
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
725.118 Location Standards
725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
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

725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan
725.154 Amendment of Contingency Plan
725.155 Emergency Coordinator
725.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section
725.170 Applicability
725.171 Use of Manifest System
725.172 Manifest Discrepancies
725.173 Operating Record
725.174 Availability, Retention, and Disposition of Records
725.175 Annual Report
725.176 Unmanifested Waste Report
725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section
725.190 Applicability
725.191 Groundwater Monitoring System
725.192 Sampling and Analysis
725.193 Preparation, Evaluation, and Response
725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section
725.210 Applicability
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, Structures, and Soils
725.215 Certification of Closure
725.216 Survey Plat
725.217 Post-Closure Care and Use of Property
725.218 Post-Closure Care Plan; Amendment of Plan
725.219 Post-Closure Notices
725.220 Certification of Completion of Post-Closure Care
725.221 Alternative Post-Closure Care Requirements

SUBPART H: FINANCIAL REQUIREMENTS

Section

725.240 Applicability
725.241 Definitions of Terms as Used in this Subpart H
725.242 Cost Estimate for Closure
725.243 Financial Assurance for Closure
725.244 Cost Estimate for Post-Closure Care
725.245 Financial Assurance for Post-Closure Monitoring and Maintenance
725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care
725.247 Liability Requirements
725.248 Incapacity of Owners or Operators, Guarantors, or Financial Institutions
725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
725.270 Applicability
725.271 Condition of Containers
725.272 Compatibility of Waste with Containers
725.273 Management of Containers
725.274 Inspections
725.276 Special Requirements for Ignitable or Reactive Wastes
725.277 Special Requirements for Incompatible Wastes
725.278 Air Emission Standards

SUBPART J: TANK SYSTEMS

Section
725.290 Applicability
725.291 Assessment of Existing Tank System Integrity
725.292 Design and Installation of New Tank Systems or Components
725.293 Containment and Detection of Releases
725.294 General Operating Requirements
725.295 Inspections
725.296 Response to Leaks or Spills and Disposition of Tank Systems
725.297 Closure and Post-Closure Care
725.298 Special Requirements for Ignitable or Reactive Wastes
725.299 Special Requirements for Incompatible Wastes
725.300 Waste Analysis and Trial Tests
725.301 Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed)
725.302 Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section
725.320 Applicability
725.321 Design and Operating Requirements

725.322 Action Leakage Rate
725.323 Containment System
725.324 Response Actions
725.325 Waste Analysis and Trial Tests
725.326 Monitoring and Inspections
725.328 Closure and Post-Closure Care
725.329 Special Requirements for Ignitable or Reactive Wastes
725.330 Special Requirements for Incompatible Wastes
725.331 Air Emission Standards

SUBPART L: WASTE PILES

Section

725.350 Applicability
725.351 Protection from Wind
725.352 Waste Analysis
725.353 Containment
725.354 Design and Operating Requirements
725.355 Action Leakage Rates
725.356 Special Requirements for Ignitable or Reactive Wastes
725.357 Special Requirements for Incompatible Wastes
725.358 Closure and Post-Closure Care
725.359 Response Actions
725.360 Monitoring and Inspections

SUBPART M: LAND TREATMENT

Section

725.370 Applicability
725.372 General Operating Requirements
725.373 Waste Analysis
725.376 Food Chain Crops
725.378 Unsaturated Zone (Zone of Aeration) Monitoring
725.379 Recordkeeping
725.380 Closure and Post-Closure Care
725.381 Special Requirements for Ignitable or Reactive Wastes
725.382 Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section

725.400 Applicability
725.401 Design Requirements
725.402 Action Leakage Rate
725.403 Response Actions
725.404 Monitoring and Inspections

725.409 Surveying and Recordkeeping
725.410 Closure and Post-Closure Care
725.412 Special Requirements for Ignitable or Reactive Wastes
725.413 Special Requirements for Incompatible Wastes
725.414 Special Requirements for Liquid Wastes
725.415 Special Requirements for Containers
725.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

SUBPART O: INCINERATORS

Section
725.440 Applicability
725.441 Waste Analysis
725.445 General Operating Requirements
725.447 Monitoring and Inspections
725.451 Closure
725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section
725.470 Other Thermal Treatment
725.473 General Operating Requirements
725.475 Waste Analysis
725.477 Monitoring and Inspections
725.481 Closure
725.482 Open Burning; Waste Explosives
725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes

SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

Section
725.500 Applicability
725.501 General Operating Requirements
725.502 Waste Analysis and Trial Tests
725.503 Inspections
725.504 Closure
725.505 Special Requirements for Ignitable or Reactive Wastes
725.506 Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section
725.530 Applicability

SUBPART W: DRIP PADS

Section
725.540 Applicability
725.541 Assessment of Existing Drip Pad Integrity
725.542 Design and Installation of New Drip Pads
725.543 Design and Operating Requirements
725.544 Inspections
725.545 Closure

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section
725.930 Applicability
725.931 Definitions
725.932 Standards: Process Vents
725.933 Standards: Closed-Vent Systems and Control Devices
725.934 Test Methods and Procedures
725.935 Recordkeeping Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section
725.950 Applicability
725.951 Definitions
725.952 Standards: Pumps in Light Liquid Service
725.953 Standards: Compressors
725.954 Standards: Pressure Relief Devices in Gas/Vapor Service
725.955 Standards: Sampling Connecting Systems
725.956 Standards: Open-Ended Valves or Lines
725.957 Standards: Valves in Gas/Vapor or Light Liquid Service
725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other Connectors
725.959 Standards: Delay of Repair
725.960 Standards: Closed-Vent Systems and Control Devices
725.961 Percent Leakage Alternative for Valves
725.962 Skip Period Alternative for Valves
725.963 Test Methods and Procedures
725.964 Recordkeeping Requirements

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

Section
725.980 Applicability
725.981 Definitions

725.982 Schedule for Implementation of Air Emission Standards
725.983 Standards: General
725.984 Waste Determination Procedures
725.985 Standards: Tanks
725.986 Standards: Surface Impoundments
725.987 Standards: Containers
725.988 Standards: Closed-Vent Systems and Control Devices
725.989 Inspection and Monitoring Requirements
725.990 Recordkeeping Requirements
725.991 Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section
725.1100 Applicability
725.1101 Design and Operating Standards
725.1102 Closure and Post-Closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section
725.1200 Applicability
725.1201 Design and Operating Standards
725.1202 Closure and Post-Closure Care

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

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 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 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990;

amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23725, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15374, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9911, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17086, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11403, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

a) This Part establishes minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are met.

b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste and that have fully complied with the requirements for interim status under Section 3005(e) of RCRA (42 USC 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of RCRA (42 USC 6905) or Section 21(f) of the Environmental Protection

Act, or until applicable closure and post-closure care responsibilities under this Part are met, and to those owners and operators of facilities in existence on November 19, 1980 that have failed to provide timely notification as required by section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of the Permit Application, as required by federal 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, except as specifically provided otherwise in this Part or in 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in compliance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made.

c) This Part does not apply to any of the following:

1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.);

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

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

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

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

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

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 722.114;

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

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

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

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

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 that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

A) Batteries, as described in 35 Ill. Adm. Code 733.102;

B) Pesticides, as described in 35 Ill. Adm. Code 733.103;

C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

D) Lamps, as described in 35 Ill. Adm. Code 733.105;

E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

F) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

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.

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:

1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

2) The waste is stored in tanks or containers;

3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;

4) The waste is burned in incinerators that are certified under the standards and procedures in Section 725.452; or

5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified under the standards and procedures in Section 725.483.

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.

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.

g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 49 Ill. Reg. 11403, effective August 27, 2025)

Section 725.102 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 1031, effective December 20, 2006)

Section 725.104 Imminent Hazard Action

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to Title VIII of the Illinois Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.110 Applicability

The regulations in this Subpart B apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.111 USEPA Identification Number

Every facility owner or operator must apply to the Agency for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12).

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

(Source: Amended at 43 Ill. Reg. 6049, May 2, 2019)

Section 725.112 Required Notices

a) Receipt from a Foreign Source. The owner or operator of a facility that has arranged to receive hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722, from a foreign source must submit the following required notices:

1) As required by 35 Ill. Adm. Code 722.184(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from USEPA and the competent authorities for the countries of transit, the owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to USEPA using the methods listed in 35 Ill. Adm. Code 722.184(b)(1) at least 60 days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics; the same United Nations/USDOT identification number from the Hazardous Materials Table in 49 CFR 172.101, incorporated by reference in 35 Ill. Adm. Code 720.111; the same USEPA hazardous waste numbers; and the same applicable OECD waste codes from the lists in the OECD Guidance Manual, incorporated by reference in 35 Ill. Adm. Code 720.111; and being sent from the same foreign exporter.

2) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), a copy of the movement document with all the required signatures within three working days after receiving the shipment to the foreign exporter and~~;~~ to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively~~; and~~. For shipments received on or after the electronic import-export reporting compliance date~~, to EPA electronically using~~ the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the USEPA's Waste Import Export Tracking System (WIETS), or successor system. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at

least three years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, if copies are readily available for viewing and production upon request by any USEPA or Agency inspector. No~~An~~ owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the owner or operator of a facility bears no responsibility.

3) As required by 35 Ill. Adm. Code 722.184(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, the owner or operator of the facility must inform USEPA, using the methods listed in 35 Ill. Adm. Code 722.184(b)(1) of the need to return or arrange alternate management of the shipment.

4) As required by 35 Ill. Adm. Code 722.184(g), the owner or operator must:

A) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but within thirty days after completing recovery or disposal on the waste in the shipment and within one calendar year after receiving the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste. For shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

B) If the facility performed any of recovery operations R12, R13, or RC3 or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11 or RC1 or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste; on or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's WIETS, or its successor system. The recovery and disposal operations in this subsection are defined in

35 Ill. Adm. Code 722.181. For shipments sent from a country with which the USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

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 35 Ill. Adm. Code 702 and 703 (also see 35 Ill. Adm. Code 703.155).

BOARD NOTE: 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 48 Ill. Reg. 9911, effective June 20, 2024)

Section 725.113 General Waste Analysis

a) Waste Analysis

1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 725.213(d), the owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1), except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated as follows:

A) When the owner or operator is notified or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and

B) For off-site facilities, when the results of the inspection required in subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator must develop and follow a written waste analysis plan that describes the procedures that the owner or operator will carry out to comply with subsection (a). The owner or operator must keep this plan at the facility. At a minimum, the plan must specify the following:

1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a)).

2) The test methods that will be used to test for these parameters.

3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either of the following methods:

A) One of the sampling methods described in Appendix A to 35 Ill. Adm. Code 721, or

B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.

6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d), 725.963(d), and 725.984 and 35 Ill. Adm. Code 728.107.

7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for the following:

A) The sampling of impoundment contents;

B) The analysis of test data; and

C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or that exhibit a characteristic of hazardous waste and either of the following is true:

i) The waste residues do not meet the applicable treatment standards of Subpart D of 35 Ill. Adm. Code 728, or

ii) Where no treatment standards have been established, the waste residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139.

8) For an owner or operator seeking an exemption to the air emission standards of Subpart CC of 35 Ill. Adm. Code 724 in accordance with Section 725.983:

A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.

B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator, or by the generator of the waste if the waste is received from off-site, that is used as the basis for knowledge of the waste.

c) For off-site facilities, the waste analysis plan required in subsection (b) must also specify the procedures that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe the following:

1) The procedures that will be used to determine the identity of each movement of waste managed at the facility;

2) The sampling method that will be used to obtain a representative sample of the waste to be identified if the identification method includes sampling; and

3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.114 Security

a) The owner or operator must prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless the following are true:

1) Physical contact with the waste, structures, or equipment of the active portion of the facility will not injure unknowing or unauthorized persons or livestock that may enter the active portion of the facility; and

2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this Part.

b) Unless exempt under subsections (a)(1) and (a)(2), a facility must have the following:

1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry into the active portion of the facility; or

2) Controlled access, including the following minimum elements:

A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and

B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

BOARD NOTE: The requirements of subsection (b) are satisfied if the facility or plant within which the active portion is located itself has a surveillance system or a barrier and a means to control entry that complies with the requirements of subsection (b)(1) or (b)(2).

c) Unless exempt under subsection (a)(1) or (a)(2), a sign with the legend, "Danger—Unauthorized Personnel Keep Out", must be posted at each entrance to the active portion of a facility and at other locations in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

BOARD NOTE: See Section 725.217(b) for discussion of security requirements at disposal facilities during the post-closure care period.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.115 General Inspection Requirements

a) The owner or operator must inspect the facility for malfunctions and deterioration, operator errors and discharges that may be causing—or which may lead to—the conditions listed below. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

1) Release of hazardous waste constituents to the environment, or

2) A threat to human health.

b) Written schedule.

1) The owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

2) The owner or operator must keep this schedule at the facility.

3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4) The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953, 725.958, and 725.984 through 725.990, where applicable.

5) This subsection (b)(5) corresponds with 40 CFR 265.15(b)(5), which became obsolete when USEPA terminated the Performance Track Program at 74 Fed. Reg. 22741 (May 14, 2009). USEPA has recognized that program-related rules are no longer effective at 75 Fed. Reg. 12989, 12992, note 1 (Mar. 18, 2010). This statement maintains structural consistency with the corresponding federal requirements.

c) The owner or operator must remedy any deterioration or malfunction of equipment or structure that the inspection reveals on a schedule that ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator must record inspections in an inspection log or summary. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 35 Ill. Reg. 18052, effective October 14, 2011)

Section 725.116 Personnel Training

a) Personnel Training Program

1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under subsection (d)(3).

2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including

contingency plan implementation) relevant to the positions in which they are employed.

3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including the following where applicable:

A) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;

B) Key parameters for automatic waste feed cut-off systems;

C) Communications or alarm systems;

D) Response to fires or explosions;

E) Response to groundwater contamination incidents; and

F) Shutdown of operations.

4) For facility employees that receive emergency response training pursuant to the federal Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.120(p)(8) and 1910.120(q), the facility is not required to provide separate emergency response training pursuant to this section, provided that the overall facility OSHA emergency response training meets all the requirements of this Section.

b) Facility personnel must successfully complete the program required in subsection (a) upon the effective date of these regulations or six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of subsection (a).

c) Facility personnel must take part in an annual review of the initial training required in subsection (a).

d) The owner or operator must maintain the following documents and records at the facility:

1) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;

2) A written job description for each position listed under subsection (d)(1). This description may be consistent in its degree of specificity with

descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of facility personnel assigned to each position;

3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under subsection (d)(1);

4) Records that document that the training or job experience required under subsections (a), (b), and (c) has been given to and completed by facility personnel.

e) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes

a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction, including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

b) Where specifically required by other Sections of this Part, the treatment, storage, or disposal of ignitable or reactive waste and the mixture or commingling of incompatible waste or incompatible wastes and materials, must be conducted so that it does not do any of the following:

1) It does not generate extreme heat or pressure, fire or explosion, or violent reaction;

2) It does not produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

3) It does not produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

4) It does not damage the structural integrity of the device or facility containing the waste; or

5) Through other like means, it does not threaten human health or the environment.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.118 Location Standards

The placement of any hazardous waste in a salt dome, salt bed formation, underground mine, or cave is prohibited.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.119 Construction Quality Assurance Program

a) CQA Program

1) A construction quality assurance (CQA) program is required for all surface impoundment, waste pile and landfill units that are required to comply with Sections 725.321(a), 725.354, and 725.401(a). The program must ensure that the constructed unit meets or exceeds all design criteria and specifications in this Part. The program must be developed and implemented under the direction of a CQA officer that is a registered professional engineer.

2) The CQA program must address the following physical components, where applicable:

A) Foundations;

B) Dikes;

C) Low-permeability soil liners;

D) Geomembranes (flexible membrane liners);

E) Leachate collection and removal systems and leak detection systems; and

F) Final cover systems.

b) Written CQA plan. Before construction begins on a unit subject to the CQA program under subsection (a), the owner or operator must develop a written CQA plan. The plan must identify steps that will be used to monitor and document the

quality of materials and the condition and manner of their installation. The CQA plan must include the following:

1) Identification of applicable units and a description of how they will be constructed.

2) Identification of key personnel in the development and implementation of the CQA plan, and CQA officer qualifications.

3) A description of inspection and sampling activities for all unit components identified in subsection (a)(2), including observations and tests that will be used before, during and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover: Sampling size and locations; frequency of testing; data evaluation procedures; acceptance and rejection criteria for construction materials; plans for implementing corrective measures; and data or other information to be recorded and retained in the operating record under Section 725.173.

c) Contents of Program

1) The CQA program must include observations, inspections, tests and measurements sufficient to ensure the following:

A) Structural stability and integrity of all components of the unit identified in subsection (a)(2);

B) Proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications;

C) Conformity of all materials used with design and other material specifications under 35 Ill. Adm. Code 724.321, 724.351, and 724.401.

2) The CQA program must include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of 35 Ill. Adm. Code 724.321(c)(1), 724.351(c)(1), or 724.401(c)(1) in the field. Compliance with the hydraulic conductivity requirements must be verified by using in-situ testing on the constructed test fill. The test fill requirement is waived where data are sufficient to show that a constructed soil liner meets the hydraulic conductivity requirements of 35 Ill. Adm. Code 724.321(c)(1), 724.351(c)(1), or 724.401(c)(1) in the field.

d) Certification. The owner or operator of units subject to this Section must submit to the Agency by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the CQA plan has been successfully carried out and that the unit meets the requirements of Sections 725.321(a), 725.354, or 725.401(a). The owner or operator may receive waste in the unit after 30 days from the Agency's receipt of the CQA certification unless the Agency determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the CQA officer's certification must be furnished to the Agency upon request.

e) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART C: PREPAREDNESS AND PREVENTION

Section 725.130 Applicability

The regulations in this Subpart C apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.131 Maintenance and Operation of Facility

Facilities must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.132 Required Equipment

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from

local police departments, fire departments, or State or local emergency response teams;

c) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment and decontamination equipment; and

d) Water at adequate volume and pressure to supply water hose streams or foam producing equipment or automatic sprinklers or water spray systems.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.133 Testing and Maintenance of Equipment

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.134 Access to Communications or Alarm System

a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 725.132.

b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 725.132.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.135 Required Aisle Space

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.137 Arrangements with Local Authorities

a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of the following organizations:

1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;

2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;

3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 725.150 Applicability

The regulations in this Subpart D apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.151 Purpose and Implementation of Contingency Plan

a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.152 Content of Contingency Plan

a) The contingency plan must describe the actions facility personnel must take to comply with Sections 725.151 and 725.156 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

b) If the owner or operator has already prepared a federal Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112, or some other emergency or contingency plan, it needs only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part. The owner or operator may develop one contingency plan that meets all regulatory requirements. USEPA has recommended that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (One Plan). When modifications are made to non-RCRA provisions in an integrated contingency plan, the changes do not trigger the need for a RCRA permit modification.

BOARD NOTE: The federal One Plan guidance appeared in the Federal Register at 61 Fed. Reg. 28642 (June 5, 1996), and was corrected at 61 Fed. Reg. 31103 (June 19, 1996). USEPA, Office of Resource Conservation and Recovery, Chemical Emergency Preparedness and Prevention Office, has made these documents available on-line for examination and download at yosemite.epa.gov/oswer/Ceppoweb.nsf/content/serc-lepc-publications.htm.

c) The plan must describe arrangements agreed to by local police department, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to Section 725.137.

d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 725.155), and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment) where this equipment is required. This list must be kept up to date. In addition, the plan

must include the location and a physical description of each item on the list and a brief outline of its capabilities.

f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Source: Amended at 35 Ill. Reg. 18052, effective October 14, 2011)

Section 725.153 Copies of Contingency Plan

The facility owner or operator must undertake each of the following actions with regard to copies of the contingency plan and all revisions to the plan:

a) It must maintain a copy at the facility; and

b) It must submit a copy to each local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services at the facility.

(Source: Amended at 31 Ill. Reg. 1031, effective December 20, 2006)

Section 725.154 Amendment of Contingency Plan

The contingency plan must be reviewed and immediately amended, if necessary, whenever any of the following occurs:

a) Applicable regulations are revised;

b) The plan fails in an emergency;

c) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents or changes the response necessary in an emergency;

d) The list of emergency coordinators changes; or

e) The list of emergency equipment changes.

(Source: Amended at 33 Ill. Reg. 1155, effective December 30, 2008)

Section 725.155 Emergency Coordinator

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: The emergency coordinator's responsibilities are more fully spelled out in Section 725.156. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of wastes handled by the facility and type and complexity of the facility.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.156 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately do the following:

1) He or she must activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

2) He or she must notify appropriate State or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, the emergency coordinator must report those findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local

authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include the following:

A) The name and telephone number of the reporter;

B) The name and address of facility;

C) The time and type of incident (e.g., release, fire, etc.);

D) The name and quantity of materials involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health or the environment outside the facility.

e) During an emergency the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) or (e) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

h) The emergency coordinator must ensure that, in the affected areas of the facility, the following occur:

1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, it must submit a written report on the incident to the Agency. The report must include the following information:

1) The name, address, and telephone number of the owner or operator;

2) The name, address, and telephone number of the facility;

3) The date, time, and type of incident (e.g., fire, explosion, etc.);

4) The name and quantity of materials involved;

5) The extent of injuries, if any;

6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

7) The estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 43 Ill. Reg. 6049, effective May 2, 2019)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section 725.170 Applicability

The regulations in this Subpart E apply to owners and operators of both on-site and off-site facilities, except as Section 725.101 provides otherwise. Sections 725.171, 725.172, and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a).

(Source: Amended at 35 Ill. Reg. 18052, effective October 14, 2011)

Section 725.171 Use of Manifest System

a) Receipt of Manifested Hazardous Waste

1) If a facility receives hazardous waste accompanied by a manifest, the owner, operator, or its agent must sign and date the manifest, as indicated in subsection (a)(2), to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.

2) If a facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or its agent must do the following:

A) The owner, operator, or agent must sign and date, by hand, each copy of the manifest;

B) The owner, operator, or agent must note any discrepancies (as defined in 35 Ill. Adm. Code 724.172) on each copy of the manifest;

C) The owner, operator, or agent must immediately give the transporter at least one copy of the manifest;

D) This subsection (D) corresponds with 40 CFR 265.71(a)(2)(iv), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations. ~~The owner, operator, or agent must send a copy (Page 3) of the manifest to the generator within 30 days after delivery;~~

E) Paper manifest submission requirements are the following:

i) This subsection (E) corresponds with 40 CFR 265.71(a)(2)(v)(A), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.
~~The owner, operator, or agent must send the top copy (Page 1) of any paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing. In lieu of submitting the paper copy to the e-Manifest System operator, the owner or operator may transmit to the e-Manifest System operator an image file of Page 1 of the manifest and any continuation sheet, or both a data string file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made at the mailing address or electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept~~

~~mailed paper manifests from facilities for processing in the e-Manifest System; and~~

ii) Options for Compliance on June 30, 2021. Send to the USEPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet, or send to the USEPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery. ~~Beginning on June 30, 2021, the requirement to submit the top copy (Page 1) of the paper manifest and any paper continuation sheet to the e-Manifest System for purposes of data entry and processing may be met by the owner or operator only by transmitting to the e-Manifest System an image file of Page 1 of the manifest and any continuation sheet, or by transmitting to the e-Manifest System both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days after the date of delivery. Submissions of copies to the e-Manifest System must be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services. Beginning on June 30, 2021, USEPA will not accept mailed paper manifests from facilities for processing in the e-Manifest System; and~~

F) The owner, operator, or agent must retain at the facility a copy of each manifest for at least three years after the date of delivery.

3) The owner or operator of a facility that receives hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source must:

A) Additionally, list the relevant waste stream consent number from consent documentation supplied by USEPA to the facility for each waste listed on the hazardous waste manifest in the International Shipments block on the Continuation Sheet (USEPA Form 8700-22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use additional Continuation Sheets (USEPA Form 8700–22A); and

B) Send a copy of the manifest to ~~USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) within 30 days of delivery until the facility can submit such a copy to~~ the USEPA e-Manifest system per subsection (a)(2)(E).

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification, and signatures), the owner or operator or its agent must do each of the following:

1) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) It must note any significant discrepancies, as defined in Section 725.172(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) Within 30 days of delivery, send a copy (Page 1) of the signed and dated manifest to the USEPA e-Manifest system.~~The owner or operator must send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator within 30 days after the delivery; and~~

~~BOARD NOTE: 35 Ill. Adm. Code 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).~~

5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722. The provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 apply to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.115, 722.116, and 722.117 only apply to an owner or operator that ships hazardous waste that it generated at that facility or operating as an LQG consolidating hazardous waste from VSQGs under 35 Ill. Adm. Code 722.117(f).

d) As required by 40 CFR 262.84(d)(2)(xv)~~40 CFR 262.84(d)(2)(O)~~, within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm. Code 722, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export or transit of hazardous waste. For shipments received on~~On~~ or after the electronic import-export reporting compliance date, ~~to USEPA electronically using USEPA's WIETS~~ the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using USEPA's Waste Import Tracking System (WIETS), or its successor system. For shipments sent from a country with which USEPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS, for which the owner or operator of a facility bears no responsibility.

e) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. A facility must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to that state.

f) Legal Equivalence to Paper Manifests. E-Manifests that are obtained, completed, transmitted in accordance with 35 Ill. Adm. Code 722.120(a)(3), and used in accordance with this Section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in 35 Ill. Adm. Code 720 through 728 to obtain, complete, sign, provide, use, or retain a manifest.

1) Any requirement in 35 Ill. Adm. Code 720 through 728 for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 35 Ill. Adm. Code 722.125.

2) Any requirement in 35 Ill. Adm. Code 720 through 728 to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an e-Manifest is transmitted to the other person.

3) Any requirement in 35 Ill. Adm. Code 720 through 728 for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an e-Manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

4) Any requirement in 35 Ill. Adm. Code 720 through 728 for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's e-Manifest copies in its account on the e-Manifest System, provided that such copies are readily available for viewing and production if requested by any USEPA or Agency inspector.

5) No owner or operator may be held liable for the inability to produce an e-Manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the e-Manifest is due exclusively to a technical difficulty with the e-Manifest System for which the owner or operator bears no responsibility.

g) An owner or operator may participate in the e-Manifest System either by accessing the e-Manifest System from the owner's or operator's electronic equipment, or by accessing the e-Manifest System from portable equipment brought to the owner's or operator's site by the transporter that delivers the waste shipment to the facility.

h) Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the hazardous waste by the final transporter:

1) Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification of Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the paper replacement manifest;

2) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

3) Within 30 days after delivery of the hazardous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator and send an

additional signed and dated copy of the paper replacement manifest to the e-Manifest System; and

4) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years after the date of delivery.

i) Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an e-Manifest signs this manifest electronically using an electronic signature method that is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, the owner or operator must also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator must retain this original copy among its records for at least three years after the date of delivery of the waste.

j) Imposition of User Fee for e-Manifest Use

1) As prescribed in 40 CFR 265.1311, incorporated by reference in 35 Ill. Adm. Code 720.111, and determined in 40 CFR 265.1312, incorporated by reference in 35 Ill. Adm. Code 720.111, an owner or operator that is a user of the e-Manifest System must be assessed a user fee by USEPA for the submission and processing of each e-Manifest and paper manifest. USEPA has stated that it would update the schedule of user fees and publish them to the user community, as provided in 40 CFR 265.1313, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) An owner or operator subject to user fees under this Section must make user fee payments in accordance with the requirements of 40 CFR 265.1314, incorporated by reference in 35 Ill. Adm. Code 720.111, subject to the informal fee dispute resolution process of 40 CFR 265.1316, incorporated by reference in 35 Ill. Adm. Code 720.111, and subject to the sanctions for delinquent payments under 40 CFR 265.1315, incorporated by reference in 35 Ill. Adm. Code 720.111.

k) E-Manifest Signatures. E-Manifest signatures must meet the criteria described in 35 Ill. Adm. Code 722.125.

l) Post-Receipt Manifest Data Corrections. After a facility has certified ~~to the receipt of hazardous wastes by signing Item 20 of the manifest,~~ that the manifest is complete, by signing it at the time of submission to the USEPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (i.e., any waste handler shown on the manifest or the Agency) named on the manifest.~~may submit any post-receipt data corrections at any time.~~ If corrections are requested by the Agency for portions of the manifest that a

designated facility is required to complete, the facility must make the data correction within 30 days from the date of request.

1) An interested person must make all corrections to manifest data by electronic submission, either by directly entering corrected data to the web-based service provided in the e-Manifest System for such corrections, or by an upload of a data file containing data corrections relating to one or more previously submitted manifests.

2) Each correction submission must include the following information:

   A) The Manifest Tracking Number and date of receipt by the facility of the original manifests for which data are being corrected;

   B) The item numbers of the original manifest that is the subject of the submitted corrections; and

   C) For each item number with corrected data, the data previously entered and the corresponding data as corrected by the correction submission.

3) Each correction submission must include a statement that the person submitting the corrections certifies that, to the best of his or her knowledge or belief, the corrections that are included in the submission will cause the information reported about the previously received hazardous wastes to be true, accurate, and complete:

   A) The person must execute the certification statement with a valid electronic signature; and

   B) The person may submit a batch upload of data corrections under one certification statement.

4) Upon receipt by the e-Manifest System of any correction submission, other interested persons shown on the manifest will be provided electronic notice of the submitter's corrections.

5) Other interested persons shown on the manifest may respond to the submitter's corrections with comments to the submitter, or by submitting another correction to the e-Manifest System, certified by the respondent as specified in subsection (l)(3), and with notice of the corrections to other interested persons shown on the manifest.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

Section 725.172 Manifest Discrepancies

a) "Manifest discrepancies" are defined as any one of the following:

1) Significant differences (as defined by subsection (b) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives;

2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the treatment, storage, or disposal facility cannot accept; or

3) Container residues, which are residues that exceed the quantity limits for empty containers in 35 Ill. Adm. Code 721.107(b) and 726.607.

b) "Significant differences in quantity" are defined as the appropriate of the following: for bulk waste, variations greater than 10 percent in weight; or, for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. "Significant differences in type" are defined as obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or as toxic constituents not reported on the manifest or shipping paper.

c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 2015 days after receiving the waste, the owner or operator must: ~~immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.~~

1) Immediately submit to the USEPA and Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

2) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the USEPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the USEPA will no longer accept mailed paper Discrepancy Reports from facilities.

d) Rejection of Hazardous Waste

1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for empty containers in 35 Ill. Adm. Code 721.107(b), the facility owner or operator must consult with the generator before sending the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility owner or operator may return the rejected waste or residue to the

generator. The facility owner or operator must send the waste to the alternative facility or to the generator within 60 days after the rejection or the container residue identification.

2) While the facility owner or operator is making arrangements for sending rejected wastes or residues to another facility under this Section, it must ensure that either the delivering transporter retains custody of the waste, or the facility owner or operator must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under subsection (e) or (f).

e) Except as provided in subsection (e)(7), for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility owner or operator must prepare a new manifest in compliance with 35 Ill. Adm. Code 722.120(a) and the instructions in subsections (e)(1) through (e)(6):

1) The facility owner or operator must write the generator's USEPA identification number in Item 1 of the new manifest. The facility owner or operator must write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then the facility owner or operator must write the generator's site address in the designated space in Item 5.

2) The facility owner or operator must write the name of the alternate designated facility and the facility's USEPA identification number in the designated facility block (Item 8) of the new manifest.

3) The facility owner or operator must copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

4) The facility owner or operator must copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

5) The facility owner or operator must write the USDOT description for the rejected load or the residue in Item 9 (USDOT Description) of the new manifest and write the container types, quantity, and volumes of waste.

6) The facility owner or operator must sign the Generator's/Offeror's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation, and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

7) For full load rejections that are made while the transporter remains present at the facility, the facility owner or operator may send the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility owner or operator must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility owner or operator must use a new manifest and comply with subsections (e)(1) through (e)(6).

f) Except as provided in subsection (f)(7), for rejected wastes and residues that must be sent back to the generator, the facility owner or operator must prepare a new manifest in compliance with 35 Ill. Adm. Code 722.120(a) and the instructions in subsections (f)(1) through (f)(6) and (f)(8):

1) The facility owner or operator must write the facility's USEPA identification number in Item 1 of the new manifest. The facility owner or operator must write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then the facility owner or operator must write the facility's site address in the designated space for Item 5 of the new manifest.

2) The facility owner or operator must write the name of the initial generator and the generator's USEPA identification number in the designated facility block (Item 8) of the new manifest.

3) The facility owner or operator must copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

4) The facility owner or operator must copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

5) The facility owner or operator must write the USDOT description for the rejected load or the residue in Item 9 (USDOT Description) of the new manifest and write the container types, quantity, and volumes of waste.

6) The facility owner or operator must sign the Generator's/Offeror's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

7) For full load rejections that are made while the transporter remains at the facility, the facility owner or operator may return the shipment to the

generator with the original manifest by completing Item 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility owner or operator must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility owner or operator must use a new manifest and comply with subsections (f)(1) through (f)(6) and (f)(8).

8) For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility owner or operator must also comply with the exception reporting requirements in Section 722.142(a).

g) If a facility owner or operator rejects a waste or identifies a container residue that exceeds the quantity limits for empty containers in 35 Ill. Adm. Code 721.107(b) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility owner or operator must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility owner or operator must also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest~~,~~ and must re-sign and date the manifest to certify to the information as amended. The facility owner or operator must retain the amended manifest for at least three years from the date of amendment, and must, within 30 days, send a copy of the amended manifest to the transporter and ~~generator~~ that received copies before being amended. Facilities are not required to send the amended manifest to any transporter who is registered in the USEPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the USEPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

(Source: Amended at 48 Ill. Reg. 17086, effective November 7, 2024)

Section 725.173 Operating Record

a) The owner or operator must keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record for three years unless otherwise provided as follows:

1) A description and the quantity of each hazardous waste received and the methods and dates of its treatment, storage, or disposal at the facility, as required by Appendix A. This information must be maintained in the operating record until closure of the facility;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram that shows each cell or disposal area. For all facilities this information must include cross-references to manifest document numbers if the waste was accompanied by a manifest. This information must be maintained in the operating record until closure of the facility;

BOARD NOTE: See Sections 725.219, 725.379, and 725.409 for related requirements.

3) Records and results of waste analysis, waste determinations, and trial tests performed, as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 725.156(j);

5) Records and results of inspections, as required by Section 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing, or analytical data, where required by Subpart F or Sections 725.119, 725.194, 725.291, 725.293, 725.295, 725.324, 725.326, 725.355, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402, 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), 725.964, and 725.983 through 725.990. Maintain in the operating record for three years, except for records and results pertaining to groundwater monitoring and cleanup, and response action plans for surface impoundments, waste piles, and landfills, which must be maintained in the operating record until closure of the facility;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244 must be maintained in the operating record until closure of the facility;

8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108 and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a). All of this

information must be maintained in the operating record until closure of the facility;

9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

10) For an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

14) For an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

15) Monitoring, testing or analytical data, and corrective action, where required by Sections 725.190 and 725.193(d)(2) and (d)(5), and the certification, as required by Section 725.296(f), must be maintained in the operating record until closure of the facility.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.174 Availability, Retention, and Disposition of Records

a) All records, including plans, required under this Part must be furnished upon request and made available at all reasonable times for inspection by any officer, employee, or representative of the Agency that is duly designated by the Agency.

b) The retention period for all records required under this Part is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Agency.

c) A copy of records of waste disposal locations and quantities under Section 725.173(b)(2) must be submitted to the Agency and local land authority upon closure of the facility (see Section 725.219).

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.175 Annual Report

The owner and operator must complete and submit a Hazardous Waste Report (USEPA Form 8700–13 A/B) to the Agency by March 1 of the following year and must cover facility activities during the previous calendar year.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.176 Unmanifested Waste Report

a) 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 by 35 Ill. Adm. Code 723.120(e), and if the waste is not excluded from the manifest requirement by 35 Ill. Adm. Code 260 through 265, then the owner or operator must prepare and submit a letter to the Agency within 15 days after receiving the waste. The unmanifested waste report must contain the following information:

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

2) The date the facility received the waste;

3) The USEPA identification number, name, and address of the generator and the transporter, if available;

4) A description and the quantity of each unmanifested hazardous waste the facility received;

5) The method of treatment, storage, or disposal for each hazardous waste;

6) The certification signed by the owner or operator of the facility or its authorized representative; and

7) A brief explanation of why the waste was unmanifested, if known.

b) Beginning on December 1, 2025, 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 by 40 CFR 263.20(e), and if the waste is not excluded from the manifest requirements in 40 CFR 263.20, then the owner or operator must prepare an electronic Unmanifested Waste Report in the USEPA e-Manifest system for submission to the USEPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information: ~~This subsection (b) corresponds with 40 CFR 265.76(b), which USEPA has marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.~~

1) The EPA identification number, name and address of the facility;

2) The date the facility received the waste;

3) The EPA identification number, name and address of the generator and the transporter, if available;

4) A description and the quantity of each unmanifested hazardous waste the facility received;

5) The method of treatment, storage, or disposal for each hazardous waste;

6) The certification signed by the owner or operator of the facility or his authorized representative; and

7) 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 received unmanifested hazardous waste, USEPA has suggested that the owner or operator obtain from each generator a certification that the waste qualifies for exclusion. Otherwise, USEPA has suggested that the owner or operator file an unmanifested waste report for the hazardous waste movement.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 725.175 and 725.176, the owner or operator must also report the following information to the Agency:

a) Releases, fires, and explosions, as specified in Section 725.156(j);

b) Groundwater contamination and monitoring data, as specified in Section 725.193 and 725.194;

c) Facility closure, as specified in Section 725.215; and

d) As otherwise required by Subparts AA, BB, and CC.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART F: GROUNDWATER MONITORING

Section 725.190 Applicability

a) The owner or operator of a surface impoundment, landfill, or land treatment facility that 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 subsection (c) provide otherwise.

b) Except as subsections (c) and (d) provide otherwise, the owner or operator must install, operate, and maintain a groundwater monitoring system that 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.

c) All or part of the groundwater monitoring requirements of this Subpart F 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 the following information:

A) A water balance of precipitation, evapotranspiration, run-off, 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 that enter the uppermost aquifer to migrate to a water supply well or surface water by an evaluation of the following information:

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 pursuant to Section 725.193(b), it 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, it must have done as follows:

1) The owner or operator must develop a specific plan, certified by a qualified geologist or geotechnical engineer, that satisfies the requirements of federal 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system. This plan is to be placed in the facility's operating record and maintained until closure of the facility;

2) The owner or operator must have initiated the determinations specified in federal 40 CFR 265.93(d)(4);

3) The owner or operator must prepare a written report in accordance with Section 725.193(d)(5) and place it in the facility's operating record and maintain until closure of the facility;

4) The owner or operator must continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and

5) The owner or operator must comply with the recordkeeping and reporting requirements in Section 725.194(b).

e) The groundwater monitoring requirements of this Subpart F may be waived with respect to any surface impoundment of which the following is true:

1) The impoundment is used to neutralize wastes that are hazardous solely because they exhibit the corrosivity characteristic pursuant to 35 Ill. Adm. Code 721.122 or which are listed as hazardous wastes in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

2) The impoundment 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.

f) A permit or enforceable document can contain alternative requirements for groundwater monitoring that replace all or part of the requirements of this Subpart F applicable to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided pursuant to 35 Ill. Adm. Code 703.161, where the Board has determined by an adjusted standard granted pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 the following:

1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

2) It is not necessary to apply the groundwater monitoring requirements of this Subpart F because the alternative requirements will adequately protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of 35 Ill. Adm. Code 724.201(a).

(Source: Amended at 43 Ill. Reg. 6049, May 2, 2019)

Section 725.191 Groundwater Monitoring System

a) A groundwater monitoring system must be capable of yielding groundwater samples for analysis and must consist of the following components:

1) Monitoring wells (at least one) installed hydraulically upgradient (i.e., in the direction of increasing static head) from the limit of the waste management area. Their number, locations, and depths must be sufficient to yield groundwater samples that fulfill both of the following requirements:

A) The samples are representative of background groundwater quality in the uppermost aquifer near the facility; and

B) The samples are not affected by the facility; and

2) Monitoring wells (at least three) installed hydraulically downgradient (i.e., in the direction of decreasing static head) at the limit of the waste management area. Their number, locations, and depths must ensure that they immediately detect any statistically significant amounts of hazardous

waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

b) Separate monitoring systems for each waste management component of a facility are not required provided that provisions for sampling upgradient and downgradient water quality will detect any discharge from the waste management area.

1) In the case of a facility consisting of only one surface impoundment, landfill, or land treatment area, the waste management area is described by the waste boundary (perimeter).

2) In the case of a facility consisting of more than one surface impoundment, landfill, or land treatment area, the waste management area is described by the imaginary boundary line that circumscribes the several waste management components.

3) The facility owner or operator may demonstrate that an alternate hydraulically downgradient monitoring well location will meet the criteria outlined below. The demonstration must be in writing and kept at the facility. The demonstration must be certified by a qualified groundwater scientist and establish each of the following:

A) That an existing physical obstacle prevents monitoring well installation at the hydraulically downgradient limit of the waste management area;

B) That the selected alternate downgradient location is as close to the limit of the waste management area as practical; and

C) That the alternate location ensures detection as early as possible of any statistically significant amounts of hazardous waste or hazardous waste constituents that migrate from the waste management area to the uppermost aquifer.

D) Lateral expansion, new, or replacement units are not eligible for an alternate downgradient location under this subsection (b)(3).

c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must be screened or perforated and packed with gravel or sand where necessary to enable sample collection at depths where appropriate aquifer flow zones exist. The annular space (i.e., the space between the bore hole and well casing) above the sampling depth must be sealed with a suitable material (e.g., cement grout or bentonite slurry) to prevent contamination of samples and the groundwater.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.192 Sampling and Analysis

a) The owner or operator must obtain and analyze samples from the installed groundwater monitoring system. The owner or operator must develop and follow a groundwater sampling and analysis plan. The owner or operator must keep this plan at the facility. The plan must include procedures and techniques for each of the following:

1) Sample collection;

2) Sample preservation and shipment;

3) Analytical procedures; and

4) Chain of custody control.

BOARD NOTE: See "Procedures Manual For Ground Water Monitoring At Solid Waste Disposal Facilities", USEPA document number EPA-530/SW-611, and "Methods for Chemical Analysis of Water and Wastes", USEPA document number EPA-600/4-79-020, incorporated by reference in 35 Ill. Adm. Code 720.111(a), for discussions of sampling and analysis procedures.

b) The owner or operator must determine the concentration or value of the following parameters in groundwater samples in accordance with subsections (c) and (d):

1) Parameters characterizing the suitability of the groundwater as a drinking water supply, as specified in Appendix C.

2) The following parameters establishing groundwater quality:

A) Chloride,

B) Iron,

C) Manganese,

D) Phenols,

E) Sodium, and

F) Sulfate.

BOARD NOTE: These parameters are to be used as a basis for comparison in the event a groundwater quality assessment is required under Section 725.193(d).

3) The following parameters used as indicators of groundwater contamination:

A) pH,

B) Specific Conductance,

C) Total Organic Carbon, and

D) Total Organic Halogen.

c) Establishing Background Concentrations

1) For all monitoring wells, the owner or operator must establish initial background concentrations or values of all parameters specified in subsection (b). The owner or operator must do this quarterly for one year.

2) For each of the indicator parameters specified in subsection (b)(3), the owner or operator must obtain at least four replicate measurements for each sample and determine the initial background arithmetic mean and variance by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.

d) After the first year, the owner or operator must sample all monitoring wells and analyze the samples with the following frequencies:

1) Samples collected to establish groundwater quality must be obtained and analyzed for the parameters specified in subsection (b)(2) at least annually.

2) Samples collected to indicate groundwater contamination must be obtained and analyzed for the parameters specified in subsection (b)(3) at least semi-annually.

e) The owner or operator must determine the elevation of the groundwater surface at each monitoring well each time a sample is obtained.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.193 Preparation, Evaluation, and Response

a) 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 each of the following:

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

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 D) to determine statistically significant increases (and decreases, in the case of pH) over initial background.

c) Well Comparisons

1) If the comparisons for the upgradient wells made under subsection (b) 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 subsection (b) 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) Notice to the Agency

1) If the analyses performed under subsection (c)(2) confirm the significant increase (or pH decrease) the owner or operator must provide written notice to the Agency—within seven days after the date of such confirmation—that the facility may be affecting groundwater quality.

2) Within 15 days after the notification under subsection (d)(1), the owner or operator must develop a specific plan, based on the outline required under subsection (a) and certified by a qualified geologist or geotechnical

engineer for a groundwater quality assessment at the facility. This plan must be placed in the facility operating record and be maintained until closure of the facility.

3) The plan to be submitted under Section 725.190(d)(1) or subsection (d)(2) must specify all of the following:

   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 of previously gathered groundwater quality information; and

   D) A schedule of implementation.

4) The owner or operator must implement the groundwater quality assessment plan that satisfies the requirements of subsection (d)(3) and, at a minimum, determine each of the following:

   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 subsection (d)(4), as soon as technically feasible, and prepare a report containing an assessment of the groundwater quality. This report must be placed in the facility operating record and be maintained until closure of the facility.

6) If the owner or operator determines, based on the results of the first determination under subsection (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 subsection (b). If the owner or operator reinstates the indicator evaluation program, he must so notify the Agency in the report submitted under subsection (d)(5).

7) If the owner or operator determines, based on the first determination under subsection (d)(4), that hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then the owner or operator must do either of the following:

A) It must continue to make the determinations required under subsection (d)(4) 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) It may cease to make the determinations required under subsection (d)(4) if the groundwater quality assessment plan was implemented during the post-closure care period.

e) Notwithstanding any other provision of this Subpart F, any groundwater quality assessment to satisfy the requirements of subsection (d)(4) that is initiated prior to final closure of the facility must be completed and reported in accordance with subsection (d)(5).

f) Unless the groundwater is monitored to satisfy the requirements of subsection (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 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.194 Recordkeeping and Reporting

a) Unless the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must do the following:

1) Keep records of the analyses required in Section 725.192(c) and (d), the associated groundwater surface elevations required in Section 725.192(e), and the evaluations required in Section 725.193(b) throughout the active life of the facility and, for disposal facilities, also throughout the post-closure care period; and

2) Report the following groundwater monitoring information to the Agency:

A) During the first year when initial background concentrations are being established for the facility: concentrations or values of the parameters listed in Section 725.192(b)(1) for each groundwater monitoring well, within 15 days after completing each quarterly analysis. The owner or operator must separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum contaminant levels listed in Appendix C to this Part;

B) Annually: concentrations or values of the parameters listed in Section 725.192(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under Section 725.193(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells, in accordance with Section 725.193(c)(1). During the active life of the facility, the owner or operator must submit this information as part of the annual report required under Section 725.175; and

C) As part of the annual report required under Section 725.175: results of the evaluation of groundwater surface elevations under Section 725.193(f) and a description of the response to the evaluation, where applicable.

b) If the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must do the following:

1) Keep records of the analyses and evaluations specified in the plan that satisfy the requirements of Section 725.193(d)(3) throughout the active life of the facility and, for disposal facilities, also throughout the post-closure care period; and

2) Annually, until final closure of the facility, submit to the Agency a report containing the results of the groundwater quality assessment program that includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. The owner or operator must submit this report as part of the annual report required under Section 725.175.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section 725.210 Applicability

Except as Section 725.101 provides otherwise, the following requirements apply as indicated:

a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and

b) Sections 725.216 through 725.220 (which concern post-closure care) apply to the owners and operators of the following:

1) All hazardous waste disposal facilities;

2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure to the extent that these Sections are made applicable to such facilities in Section 725.328 or 725.358;

3) Tank systems that are required pursuant to Section 725.297 to meet requirements for landfills; or

4) Containment buildings that are required pursuant to Section 725.1102 to meet the requirement for landfills.

c) Section 725.221 applies to owners and operators of units that are subject to the requirements of 35 Ill. Adm. Code 703.161 and which are regulated under an enforceable document (as established pursuant to 35 Ill. Adm. Code 703.161).

d) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards in Section 725.211(c)) applying to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided in 35 Ill. Adm. Code 703.161, where the Board has determined by an adjusted standard granted pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 the following:

1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will adequately protect human health and the environment, and will satisfy the closure performance standard of Section 725.211 (a) and (b).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.211 Closure Performance Standard

The owner or operator must close the facility in a manner that does the following:

a) The closure minimizes the need for further maintenance;

b) The closure controls, minimizes, or eliminates, to the extent necessary to adequately protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

c) The closure complies with the closure requirements of this Part, including, but not limited to, the requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 725.1102.

(Source: Amended at 31 Ill. Reg. 1031, effective December 20, 2006)

Section 725.212 Closure Plan; Amendment of Plan

a) Written Plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility must have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee, or representative of the Agency.

b) Content of Plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include the following minimal information:

1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211;

2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation that will be unclosed during the active life of the facility;

3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing, or disposing of all hazardous waste, and identification of and the types of off-site hazardous waste management units to be used, if applicable;

4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;

5) A detailed description of other activities necessary during the partial and final closure periods to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control;

6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.);

7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Section 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without approved closure plans; and

8) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.

c) Amendment of Plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.

1) The owner or operator must amend the closure plan whenever any of the following occurs:

A) Changes in the operating plans or facility design affect the closure plan;

B) Whenever there is a change in the expected year of closure, if applicable;

C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan; or

D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 725.190(f), 725.210(c), or 725.240(d).

2) The owner or operator must amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410.

3) An owner or operator with an approved closure plan must submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred that has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved according to the procedures in subsection (d)(4).

4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1). An owner or operator with an approved closure plan must submit the modified plan within 60 days after the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4).

d) Notification of Partial Closure and Final Closure

1) When Notice is Required

A) The owner or operator must submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier.

B) The owner or operator must submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

C) The owner or operator must submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

D) An owner or operator with an approved closure plan must notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit.

E) An owner or operator with an approved closure plan must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.

F) An owner or operator with an approved closure plan must notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.

2) The date when the owner or operator "expects to begin closure" must be either of the following dates:

A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency must approve an extension to this one-year limit; or

B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste

management unit receives the known final volume of non-hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency must approve an extension to this one-year limit.

3) The owner or operator must submit the closure plan to the Agency no later than 15 days after occurrence of either of the following events:

A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or to close the facility or unit.

4) The Agency must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency does not approve the plan, the Agency must provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator must modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency must approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency must assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 725.1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

e) Removal of Wastes and Decontamination or Dismantling of Equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 43 Ill. Reg. 6049, May 2, 2019)

Section 725.213 Closure; Time Allowed for Closure

a) Within 90 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e) at a hazardous waste management unit or facility, or 90 days after approval of the closure plan, whichever is later, the owner or operator must treat, remove from the unit or facility, or dispose of on-site all hazardous wastes in accordance with the approved closure plan. The Agency must approve a longer period if the owner or operator demonstrates the following:

1) The need to remain in operation by showing either of the following conditions exists:

A) The activities required to comply with this subsection (a) will, of necessity, take longer than 90 days to complete; or

B) All of the following conditions are true:

i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or has the capacity to receive non-hazardous wastes, if the owner or operator complies with subsections (d) and (e);

ii) There is a reasonable likelihood that the owner or operator, or another person will recommence operation of the hazardous waste management unit or facility within one year; and

iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment including compliance with all applicable interim status requirements.

b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all applicable requirements of subsections (d) and (e) at the hazardous waste management unit or facility, or 180 days after approval of the closure plan, if that is later. The Agency must approve an extension to the closure period if the owner or operator demonstrates the following:

1) The need to remain in operation by showing either of the following conditions exists:

A) The partial or final closure activities will, of necessity, take longer than 180 days to complete; or

B) All of the following conditions are true:

i) The hazardous waste management unit or facility has the capacity to receive additional hazardous wastes, or the final volume of non-hazardous wastes, if the owner or operator complies with all the applicable requirements of subsections (d) and (e); and

ii) There is a reasonable likelihood that the owner or operator or another person will recommence operation of the hazardous waste management unit or facility within one year; and

iii) Closure of the hazardous waste management unit or facility would be incompatible with continued operation of the site; and

2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating hazardous waste management unit or facility, including compliance with all applicable interim status requirements.

c) The demonstration referred to in subsections (a)(1) and (b)(1) must be made as follows:

1) The demonstration in subsection (a)(1) must be made at least 30 days prior to the expiration of the 90-day period in subsection (a); and

2) The demonstrations in subsection (b)(1) must be made at least 30 days prior to the expiration of the 180-day period in subsection (b), unless the owner or operator is otherwise subject to deadlines in subsection (d).

d) Continued Receipt of Non-Hazardous Waste. The Agency must permit an owner or operator to receive non-hazardous wastes in a landfill, land treatment unit or surface impoundment unit after the final receipt of hazardous wastes at that unit if the following are true:

1) The owner or operator submits an amended Part B application, or a new Part B application if none was previously submitted, and demonstrates the following:

A) The unit has the existing design capacity as indicated on the Part A application to receive non-hazardous wastes;

B) There is a reasonable likelihood that the owner or operator or another person will receive non-hazardous waste in the unit within one year after the final receipt of hazardous wastes;

C) The non-hazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility pursuant to this Part;

D) Closure of the hazardous waste management unit would be incompatible with continued operation of the unit or facility; and

E) The owner or operator is operating and will continue to operate in compliance with all applicable interim status requirements;

2) The Part B application includes an amended waste analysis plan, groundwater monitoring and response program, human exposure assessment required pursuant to 35 Ill. Adm. Code 703.186, closure and post-closure care plans, updated cost estimates, and demonstrations of financial assurance for closure and post-closure care, as necessary and appropriate, to reflect any changes due to the presence of hazardous constituents in the non-hazardous wastes and changes in closure activities, including the expected year of closure, if applicable pursuant to Section 725.212(b)(7), as a result of the receipt of non-hazardous wastes following the final receipt of hazardous wastes;

3) The Part B application is amended, as necessary and appropriate, to account for the receipt of non-hazardous wastes following receipt of the final volume of hazardous wastes; and

4) The Part B application and the demonstrations referred to in subsections (d)(1) and (d)(2) are submitted to the Agency no later than 180 days prior to the date on which the owner or operator of the facility receives the

known final volume of hazardous wastes or no later than 90 days after this Section applies to the facility, whichever is later.

e) Surface Impoundments. In addition to the requirements in subsection (d), an owner or operator of a hazardous waste surface impoundment that is not in compliance with the liner and leachate collection system requirements in Section 725.321(a) must receive non-hazardous wastes only as authorized by an adjusted standard pursuant to this subsection (e).

1) The petition for adjusted standard must include the following:

A) A plan for removing hazardous wastes; and

B) A contingent corrective measures plan.

2) The removal plan must provide for the following:

A) Removing all hazardous liquids;

B) Removing all hazardous sludges to the extent practicable without impairing the integrity of the liner or liners, if any; and

C) Removal of hazardous wastes no later than 90 days after the final receipt of hazardous wastes. The Board will allow a longer time, if the owner or operator demonstrates the following:

i) That the removal of hazardous wastes will, of necessity, take longer than the allotted period to complete; and

ii) That an extension will not pose a threat to human health and the environment.

3) The following is required of contingent corrective measures plan:

A) It must meet the requirements of a corrective action plan pursuant to Section 724.199, based upon the assumption that a release has been detected from the unit.

B) It may be a portion of a corrective action plan previously submitted pursuant to Section 724.199.

C) It may provide for continued receipt of non-hazardous wastes at the unit following a release only if the owner or operator demonstrates that continued receipt of wastes will not impede corrective action.

D) It must provide for implementation within one year after a release, or within one year after the grant of the adjusted standard, whichever is later.

4) Release. A release is a statistically significant increase (or decrease in the case of pH) in hazardous constituents over background levels, detected in accordance with the requirements in Subpart F.

5) In the event of a release, the owner or operator of the unit must perform the following actions:

A) Within 35 days, the owner or operator must file with the Board a petition for adjusted standard pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104. If the Board finds that it is necessary to do so in order to adequately protect human health and the environment, the Board will modify the adjusted standard to require the owner or operator to perform either of the following actions:

i) Begin to implement the corrective measures plan in less than one year; or

ii) Cease the receipt of wastes until the plan has been implemented.

iii) The Board will retain jurisdiction or condition the adjusted standard so as to require the filing of a new petition to address any required closure pursuant to subsection (e)(7);

B) The owner or operator must implement the contingent corrective measures plan; and

C) The owner or operator may continue to receive wastes at the unit if authorized by the approved contingent measures plan.

6) Annual Report. During the period of corrective action, the owner or operator must provide annual reports to the Agency that fulfill the following requirements:

A) They must describe the progress of the corrective action program;

B) They must compile all groundwater monitoring data; and

C) They must evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

7) Required Closure. The owner or operator must commence closure of the unit in accordance with the closure plan and the requirements of this Part if the Board terminates the adjusted standard, or if the adjusted standard terminates pursuant to its terms.

A) The Board will terminate the adjusted standard if the owner or operator failed to implement corrective action measures in accordance with the approved contingent corrective measures plan.

B) The Board will terminate the adjusted standard if the owner or operator fails to make substantial progress in implementing the corrective measures plan and achieving the facility's groundwater protection standard, or background levels if the facility has not yet established a groundwater protection standard.

C) The adjusted standard will automatically terminate if the owner or operator fails to implement the removal plan.

D) The adjusted standard will automatically terminate if the owner or operator fails to timely file a required petition for adjusted standard.

8) Adjusted Standard Procedures. The following procedures must be used in granting, modifying or terminating an adjusted standard pursuant to this subsection.

A) Except as otherwise provided, the owner or operator must follow the procedures of Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 to petition the Board for an adjusted standard.

B) Initial Justification. The Board will grant an adjusted standard, pursuant to subsection (e)(1), if the owner or operator demonstrates that the removal plan and contingent corrective measures plans meet the requirements of subsections (e)(2) and (e)(3).

C) The Board will include the following conditions in granting an adjusted standard pursuant to subsection (e)(1):

i) A plan for removing hazardous wastes;

ii) A requirement that the owner or operator remove hazardous wastes in accordance with the plan;

iii) A contingent corrective measures plan;

iv) A requirement that, in the event of a release, the owner or operator must, within 35 days, file with the Board a petition for adjusted standard, implement the corrective measures plan, and file semi-annual reports with the Agency;

v) A condition that the adjusted standard will terminate if the owner or operator fails to implement the removal plan or timely file a required petition for adjusted standard; and

vi) A requirement that, in the event the adjusted standard is terminated, the owner or operator must commence closure of the unit in accordance with the requirements of the closure plan and this Part.

D) Justification in the Event of a Release. The Board will modify or terminate the adjusted standard pursuant to a petition filed pursuant to subsection (e)(5)(A), as provided in that subsection or in subsection (e)(7).

9) The owner or operator may file a revised closure plan within 15 days after an adjusted standard is terminated.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.214 Disposal or Decontamination of Equipment, Structures, and Soils

During the partial and final closure periods, all contaminated equipment, structures, and soil must be properly disposed of, or decontaminated unless specified otherwise in Section 725.297, 725.328, 725.358, 725.380, or 725.410. By removing all hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.215 Certification of Closure

Within 60 days after completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days after completion of final closure, the owner or operator must submit to the Agency, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by a qualified Professional Engineer. Documentation supporting Professional Engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for closure under Section 725.243(h).

(Source: Amended at 32 Ill. Reg. 12566, effective July 14, 2008)

Section 725.216 Survey Plat

No later than the submission of the certification of closure of each hazardous waste disposal unit, an owner or operator must submit to any local zoning authority, or authority with jurisdiction over local land use, to the County Recorder and to the Agency, a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with any local zoning authority, or authority with jurisdiction over local land use, and the County Recorder must contain a note, prominently displayed, that states the owner's and operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable regulations of this Subpart G.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.217 Post-Closure Care and Use of Property

a) Post-Closure Care

1) Post-closure care for each hazardous waste management unit subject to the requirements of Sections 725.217 through 725.220 must begin after completion of closure of the unit and continue for 30 years after that date. It must consist of at least the following:

A) Monitoring and reporting in accordance with the requirements of Subparts F, K, L, M, and N; and

B) Maintenance and monitoring of waste containment systems in accordance with the requirements of Subparts F, K, L, M, and N.

2) Any time preceding closure of a hazardous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular hazardous waste disposal unit, the Board will, by an adjusted standard granted pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104 or by an order in some other appropriate type of proceeding (e.g., an enforcement proceeding), do the following:

A) Shorten the post-closure care period applicable to the hazardous waste management unit, or facility, if all disposal units have been closed, if the Board finds that the reduced period is sufficient to adequately protect human health and the environment (e.g., leachate or groundwater monitoring results; characteristics of the hazardous waste; application of advanced technology; or

alternative disposal, treatment, or re-use techniques indicate that the hazardous waste management unit or facility is secure); or

B) Extend the post-closure care period applicable to the hazardous waste management unit or facility, if the Board finds that the extended period is necessary to adequately protect human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels that may be harmful to human health and the environment).

3) As provided by Section 725.218(i), the Board will utilize site-specific rulemaking to adjust the length of the post-closure care period.

b) The Agency must require, at partial or final closure, continuation of any of the security requirements of Section 725.214 during part or all of the post-closure period when either of the following occurs:

1) Hazardous wastes may remain exposed after completion of partial or final closure; or

2) Access by the public or domestic livestock may pose a hazard to human health.

c) Post-closure use of property on or in which hazardous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liners, or any other components of any containment system or the function of the facility's monitoring systems, unless the Agency determines either of the following with respect to the disturbance:

1) It is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

2) It is necessary to reduce a threat to human health or the environment.

d) All post-closure care activities must be performed in accordance with the provisions of the approved post-closure plan, as specified in Section 725.218.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.218 Post-Closure Care Plan; Amendment of Plan

a) Written Plan. The owner or operator of a hazardous waste disposal unit must have a written post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure must prepare a post-closure care plan and submit it to the Agency within 90 days after the date that the owner or operator or Agency determines that the hazardous

waste management unit or facility must be closed as a landfill, subject to the requirements of Sections 725.217 through 725.220.

b) Until final closure of the facility, a copy of the most current post-closure care plan must be furnished to the Agency upon request, including request by mail. In addition, for facilities without approved post-closure care plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee, or representative of the Agency. After final closure has been certified, the person or office specified in subsection (c)(3) must keep the approved post-closure care plan during the post-closure care period.

c) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure of each disposal unit and the frequency of these activities and include the following minimal information:

1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with Subparts F, K, L, M, and N during the post-closure care period;

2) A description of the planned maintenance activities and frequencies at which they will be performed to ensure the following:

A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M, and N; and

B) The function of the monitoring equipment in accordance with the requirements of Subparts F, K, L, M, and N;

3) The name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period;

4) For a facility subject to Section 725.221, provisions that satisfy the requirements of Section 725.221(a)(1) and (a)(3); and

5) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.

d) Amendment of Plan. The owner or operator may amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure care plan must

submit a written request to the Agency to authorize a change to the approved plan. The written request must include a copy of the amended post-closure care plan for approval by the Agency.

1) The owner or operator must amend the post-closure care plan whenever the following occur:

   A) Changes in operating plans or facility design affect the post-closure care plan; or

   B) Events occur during the active life of the facility, including partial and final closures, that affect the post-closure care plan; and

   C) The owner or operator requests the establishment of alternative requirements to a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d).

2) The owner or operator must amend the post-closure care plan at least 60 days prior to the proposed changes in facility design or operation, or no later than 60 days after an unexpected event has occurred that has affected the post-closure care plan.

3) An owner or operator with an approved post-closure care plan must submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred that has affected the post-closure care plan. If an owner or operator of a surface impoundment or a waste pile that intended to remove all hazardous wastes at closure in accordance with Section 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator must submit a post-closure care plan within 90 days after the determination by the owner or operator or Agency that the unit must be closed as a landfill. If the amendment to the post-closure care plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved according to the procedures in subsection (f).

4) The Agency may request modifications to the plan under the conditions described in subsection (d)(1). An owner or operator with an approved post-closure care plan must submit the modified plan no later than 60 days after the request from the Agency. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280 the modifications to the post-closure care plan must be approved in accordance with the procedures in subsection (f). If the Agency determines that an owner or operator of a surface impoundment or waste pile that intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-

closure care plan for approval to the Agency within 90 days after the determination.

e) The owner or operator of a facility with hazardous waste management units subject to these requirements must submit the post-closure care plan to the Agency at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date when the owner or operator "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator must submit the closure plan to the Agency no later than 15 days after either of the following:

1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or

2) Issuance of a judicial decree or Board order to cease receiving wastes or close.

f) Procedures

1) Except as provided in subsection (f)(2), the Agency must provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the post-closure care plan and request modifications to the plan, no later than 30 days after the date of the notice. The Agency may also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the post-closure care plan. The Agency must give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) The Agency must approve, modify, or disapprove the plan within 90 days after its receipt. If the Agency determines not to approve the plan, the Agency must provide the owner or operator with a detailed statement of reasons for the refusal and the owner or operator must modify the plan or submit a new plan for approval within 30 days after receiving such written statements. The Agency must approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved post-closure care plan. Any final Agency determination must ensure that the approved post-closure care plan is consistent with Sections 725.217 through 725.220. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

2) The Agency must not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

g) The post-closure care plan and length of the post-closure care period may be modified at any time prior to the end of the post-closure care period in either of the following two ways:

1) The owner or operator or any member of the public may petition to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.

A) The petition must include evidence demonstrating either of the following:

i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirements unnecessary or supports reduction of the post-closure care period specified in the current post-closure care plan (e.g., leachate or groundwater monitoring results; characteristics of the waste; application of advanced technology; or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or

ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels that may be harmful to human health and the environment).

B) These petitions must be considered only when they present new and relevant information not previously considered.

i) Except as provided in subsection (g)(1)(B)(ii), whenever the Agency is considering a petition, it must provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days after the date of the notice. The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure care plan. The Agency must give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may

be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, the Agency must issue a final determination, based upon the criteria set forth in subsection (g)(1).

ii) The Agency must not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

C) If the Agency denies the petition, it must send the petitioner a brief written response giving a reason for the denial.

2) The Agency must tentatively decide to modify the post-closure care plan if the Agency determines that it is necessary to prevent threats to human health and the environment. The Agency may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.

A) The Agency must provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days after the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B). After considering the comments, the Agency must issue a final determination.

B) The Agency must base its final determination upon the same criteria as required for petitions under subsection (g)(1)(A). A modification of the post-closure care plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Agency would then determine whether the requirements should be permanently discontinued or reinstated to prevent threats to human health and the environment.

h) The Agency procedures described in Sections 725.212 through 725.219 are in the nature of permit amendments. Amendment of refusal to amend the plan is a permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. The Agency must not amend permits in such a manner so that the permit would not conform with Board regulations.

i) If any person seeks a closure or post-closure care plan that would not conform with Board regulations, such person must file a site-specific rulemaking petition

pursuant to 35 Ill. Adm. Code 102 or a variance petition pursuant to Sections 35 through 38 of the Act and Subpart B of 35 Ill. Adm. Code 104.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.219 Post-Closure Notices

Within 90 days after closure is completed, the owner or operator of a disposal facility must submit to the County Recorder and to the Agency a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the County Recorder must contain a note, prominently displayed, that states the owner's or operator's obligation to restrict disturbance of the site as specified in Section 725.217(c). In addition, the owner or operator must submit to the Agency and to the County Recorder a record of the type, location, and quantity of hazardous waste disposed of within each cell or area of the facility. The owner or operator must identify the type, location, and quantity of hazardous wastes disposed of within each cell or area of the facility. For wastes disposed of before these regulations were promulgated, the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records the owner or operator has kept.

a) No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the County Recorder, to any local zoning authority, or any authority with jurisdiction over local land use, and to the Agency, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of the owner or operator's knowledge and in accordance with any records the owner or operator has kept.

b) Within 60 days after certification of closure of the first hazardous waste disposal unit and within 60 days after certification of closure of the last hazardous waste disposal unit, the owner or operator must do the following:

    1) Record, in accordance with Illinois law, a notation on the deed to the facility property, or on some other instrument that is normally examined during title search, that will in perpetuity notify any potential purchaser of the property of the following:

        A) The land has been used to manage hazardous wastes;

        B) Its use is restricted pursuant to Subpart G; and

        C) The survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous

waste disposal unit of the facility required by Sections 725.216 and 725.219(a) have been filed with the County Recorder, any local zoning authority, or any authority with jurisdiction over local land use, and with the Agency; and

2) Submit to the Agency a certification signed by the owner or operator that the owner or operator has recorded the notation specified in subsection (b)(1), together with a copy of the document in which the notation has been placed.

c) If the owner or operator or any subsequent owner of the land upon which a hazardous waste disposal unit was located wishes to remove hazardous wastes and hazardous waste residues; the liner, if any; and all contaminated structures, equipment, and soils, such person must request a modification to the approved post-closure plan in accordance with the requirements of Section 725.218(g). The owner or operator must demonstrate that the removal of hazardous wastes will satisfy the criteria of Section 725.217(c). By removing hazardous waste, the owner or operator may become a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 702, 703, 720 through 728, and 738. If the owner or operator is granted approval to conduct the removal activities, the owner or operator may request that the Agency approve either of the following:

1) Removal of the notation on the deed to the facility property or other instrument normally examined during title search, or

2) Addition of a notation to the deed or instrument indicating the removal of the hazardous waste.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.220 Certification of Completion of Post-Closure Care

No later than 60 days after the completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the Agency, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and a qualified Professional Engineer. Documentation supporting the Professional Engineer's certification must be furnished to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for post-closure care under Section 725.245(h).

(Source: Amended at 32 Ill. Reg. 12566, effective July 14, 2008)

Section 725.221 Alternative Post-Closure Care Requirements

a) An owner or operator that is subject to the requirement to obtain a post-closure care permit under Subpart B of 35 Ill. Adm. Code 703 but which obtains an enforceable document in lieu of a post-closure permit, as provided in 35 Ill. Adm. Code 703.161, must comply with the following requirements:

1) The requirements to submit information about the facility in 35 Ill. Adm. Code 703.214;

2) The requirements for facility-wide corrective action in 35 Ill. Adm. Code 724.201; and

3) The requirements of 35 Ill. Adm. Code 724.191 through 724.200.

b) Implementation of Alternative Requirements

1) Public Notice, Public Comments, and Public Hearing.

A) In establishing alternative requirements in an enforceable document in lieu of a permit under this Section, the Board will assure a meaningful opportunity for public involvement that, at a minimum, includes public notice and opportunity for public comment, as provided under the relevant provisions of the Act:

i) For a site-specific rulemaking, in Sections 27 and 28 of the Act.

ii) For an adjusted standard, in Section 28.1 of the Act.

iii) For a variance, in Sections 35 through 38 of the Act.

iv) For an order issued pursuant to Section 33(a) of the Act, in Sections 31, 32, and 33 of the Act.

B) When an owner or operator submits a plan to the Agency pursuant to an appropriate statutory or regulatory authority, the Agency must provide public notice and an opportunity for public hearing on the plan according to the requirements of Subparts D and E of 35 Ill. Adm. Code 705 as follows:

i) When the Agency becomes involved in remedial action at the facility under regulations or in an enforcement action;

ii) On the proposed preferred remedy and on the assumptions on which the remedy is based, especially those relating to land use and site characterization; and

iii) At the time of a proposed decision that remedial action is complete at the facility.

C) The requirements of subsection (b)(1)(B) must be met before the Agency may consider that the facility owner or operator has met the requirements of 35 Ill. Adm. Code 703.161, unless the facility qualifies for a modification to these public participation requirements under either of subsection (b)(2) or (b)(3).

2) If the Agency determines that even a short delay in the implementation of a remedy would adversely affect human health or the environment, the Agency may delay compliance with the requirements of subsection (b)(1)(B) and immediately implement the remedy. However, the Agency must assure involvement of the public at the earliest opportunity and, in all cases, upon making the decision that additional remedial action is not needed at the facility.

3) The Agency may allow a remediation initiated prior to August 6, 1999 to substitute for corrective action required under a post-closure care permit.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART H: FINANCIAL REQUIREMENTS

Section 725.240 Applicability

a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.

b) The requirements of Sections 725.244 and 725.245 apply only to owners and operators of any of the following:

1) Disposal facilities;

2) Tank systems that are required pursuant to Section 725.297 to meet the requirements for landfills; or

3) Containment buildings that are required pursuant to Section 725.1102 to meet the requirements for landfills.

c) States and the federal government are exempt from the requirements of this Subpart H.

d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of this Subpart H applying to a

regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:

1) The Board, by an adjusted standard granted pursuant to Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104, has established alternative requirements for the regulated unit established pursuant to Section 725.190(f) or Section 724.210(d); and

2) The Board has determined that it is not necessary to apply the financial assurance requirements of this Subpart H because the alternative financial assurance requirements will adequately protect human health and the environment.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.241 Definitions of Terms as Used in this Subpart H

a) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 725.212.

b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 725.242(a), (b), and (c).

c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with Sections 725.244(a), (b), and (c).

d) "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation that is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of Sections 725.217 through 725.220.

f) The following terms are used in the specifications for the financial tests for closure, post-closure care, and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices.

"Assets" mean all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" mean cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles, such as goodwill and rights to patents or royalties.

g) In the liability insurance requirements the terms "bodily injury" and "property damage" have the meanings given below. The Board intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, that results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term.

"Environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous, or thermal contaminants, irritants, or pollutants.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term. This term is used in the definition of "pollution incident".

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Nonsudden accidental occurrence" means an occurrence that takes place over time and involves continuous or repeated exposure.

"Pollutant" means any solid, liquid, gaseous, or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, and waste.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term. This definition is used in the definition of "pollution incident".

"Pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere, or any watercourse or body of water, provided that such emission, discharge, release, or escape results in "environmental damage". The entirety of any such emission, discharge, release, or escape must be deemed to be one "pollution incident". "Waste" includes materials to be recycled, reconditioned, or reclaimed. The term "pollution incident" includes an "occurrence".

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term. This definition is used in the definition of "property damage".

"Property damage" means as follows:

Either of the following:

Physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or

Loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been

evacuated, withdrawn from use, or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

BOARD NOTE: Derived from the Insurance Services Office, Inc. definition of this term.

"Sudden accidental occurrence" means an occurrence that is not continuous or repeated in nature.

h) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. "Applicable state law", as used in this subsection (h), means the laws of the State of Illinois and those of any sister state that govern the guarantee and the adequacy of the consideration.

BOARD NOTE: Derived from 40 CFR 265.141(h) (2017) and the discussion at 53 Fed. Reg. 33938, 33941-33943 (Sep. 1, 1988). This term is also independently defined in 35 Ill. Adm. Code 724.141(h) and 727.240(b)(8). Any Agency determination that a substantial business relationship exists is subject to Board review pursuant to Section 40 of the Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.242 Cost Estimate for Closure

a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Sections 725.211 through 725.215 and applicable closure requirements of Sections 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 725.1102.

1) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see Section 725.212(b)); and

2) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party that is neither a parent nor a subsidiary of the owner or operator. (See definition of "parent corporation" in Section 725.241(d).) The owner or operator may use costs for on-site disposal if the owner or operator demonstrates that on-site disposal capacity will exist at all times over the life of the facility.

3) The closure cost estimate must not incorporate any salvage value that may be realized by the sale of hazardous wastes, or non-hazardous wastes if permitted by the Agency pursuant to Section 725.213(d), facility structures or equipment, land or other facility assets at the time of partial or final closure.

4) The owner or operator must not incorporate a zero cost for hazardous waste, or non-hazardous waste if permitted by the Agency pursuant to Section 725.213(d), that may have economic value.

b) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 725.243. For an owner or operator using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency, as specified in Section 725.243(e)(5). The adjustment may be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product (Deflator), as published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (b)(1) and (b)(2). 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.

BOARD NOTE: The table of Deflators is available as Table 1.1.9., "Implicit Price Deflators for Gross Domestic Product", in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: www.bea.gov/national/nipaweb/TableView.asp?SelectedTable=13&FirstYear=2002&LastYear=2004&Freq=Qtr.

c) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than 30 days after a revision has been made to the closure plan that increases the cost of closure. If the owner or operator has an approved closure plan, the closure cost estimate must be revised no later than 30 days after the Agency has approved the request to modify the closure plan if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in subsection (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 subsections (a) and (c), and, when this estimate has been adjusted in accordance with subsection (b), the latest adjusted closure cost estimate.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.243 Financial Assurance for Closure

An owner or operator of each facility must establish financial assurance for closure of the facility. The owner or operator must choose from the options specified in subsections (a) through (e).

a) Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust agreement to the Agency. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or State agency.

2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251, and the trust agreement must be accompanied by a formal certification of acknowledgment, as specified in 35 Ill. Adm. Code 724.251. Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan; this period is hereafter referred to as the "pay-in period". The payments into the closure trust fund must be made as follows:

A) The first payment must be at least equal to the current closure cost estimate, except as provided in subsection (f), divided by the number of years in the pay-in period.

B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next Payment} = \frac{(\text{CE} - \text{CV})}{\text{Y}}$$

Where:

CE = the current closure cost estimate
CV= the current value of the trust fund
Y = the number of years remaining in the pay-in period

4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current closure cost estimate at the time the fund is established. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).

5) If the owner or operator establishes a closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in subsection (a)(3).

6) After the pay-in period is completed, whenever the current closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance, as specified in this Section, to cover the difference.

7) If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate.

8) If an owner or operator substitutes other financial assurance, as specified in this Section, for all or part of the trust fund, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (a)(7) or (a)(8), the Agency

must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for partial or final closure activities, the Agency must instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, it must withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h), that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator a detailed written statement of reasons.

11) The Agency must agree to termination of the trust when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

b) Surety Bond Guaranteeing Payment into a Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: http://www.fms.treas.gov/c570/.

2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

3) The owner or operator that uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), except as follows:

   A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

   B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

      i) Payments into the trust fund, as specified in subsection (a);

      ii) Updating of Schedule A of the trust agreement (see 35 Ill. Adm. Code 724.251(a)) to show current closure cost estimates;

      iii) Annual valuations, as required by the trust agreement; and

      iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will:

   A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility;

   B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin final closure is issued by the Board or a court of competent jurisdiction; or

   C) Provide alternate financial assurance, as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current closure cost estimate, except as provided in subsection (f).

7) Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance, as specified in this Section.

c) Closure Letter of Credit

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or State agency.

2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.

3) An owner or operator that uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency must be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund, as specified in subsection (a);

ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the USEPA identification number, name, and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current closure cost estimate, except as provided in subsection (f).

7) Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

8) Following a final judicial determination or Board order finding that the owner or operator has failed to perform final closure in accordance with the approved closure plan when required to do so, the Agency may draw on the letter of credit.

9) If the owner or operator does not establish alternate financial assurance, as specified in this Section, and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Agency must draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.

10) The Agency must return the letter of credit to the issuing institution for termination when one of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

d) Closure Insurance

1) An owner or operator may satisfy the requirements of this Section by obtaining closure insurance that conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be 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) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.

3) The closure insurance policy must be issued for a face amount at least equal to the current closure cost estimate, except as provided in subsection (f). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The closure insurance policy must guarantee that funds will be available to close the facility whenever final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the

policy, upon the direction of the Agency to such party or parties as the Agency specifies.

5) After beginning partial or final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the Agency. The owner or operator may request reimbursement for partial closure only if the remaining value of the policy is sufficient to cover the maximum costs of closing the facility over its remaining operating life. Within 60 days after receiving bills for closure activities, the Agency must instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing if the Agency determines that the partial or final closure expenditures are in accordance with the approved closure plan or otherwise justified. If the Agency determines that the maximum cost of closure over the remaining life of the facility will be significantly greater than the face amount of the policy, it must withhold reimbursement of such amounts as it deems prudent until it determines, in accordance with subsection (h), that the owner or operator is no longer required to maintain financial assurance for final closure of the particular facility. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator as specified in subsection (d)(10). Failure to pay the premium, without substitution of alternate financial assurance as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of

receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that, on or before the date of expiration, one of the following occurs:

A) The Agency deems the facility abandoned;

B) Interim status is terminated or revoked;

C) Closure is ordered by the Board or a court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 USC (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the Agency.

10) The Agency must give written consent to the owner or operator that the owner or operator may terminate the insurance policy when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

e) Financial Test and Corporate Guarantee for Closure

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this subsection. To pass this test the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):

A) The owner or operator must have all of the following:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

B) The owner or operator must have all of the following:

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;

ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

2) The phrase "current closure and post-closure cost estimates", as used in subsection (e)(1), refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 724.251). The phrase "current plugging and abandonment cost estimates", as used in subsection (e)(1), refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240).

3) To demonstrate that the owner or operator meets this test, the owner or operator must submit each of the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251;

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; and

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating the following:

i) That the accountant has compared the data that 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

ii) In connection with that procedure, that no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

4) This subsection (e)(4) corresponds with 40 CFR 265.143(e)(4), a federal provision relating to an extension of the time to file the proofs of financial assurance required by this subsection (e) granted by USEPA. This statement maintains structural consistency with the corresponding federal regulations.

5) After the initial submission of items specified in subsection (e)(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 subsection (e)(3).

6) If the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator must send notice to the Agency of intent to establish alternate financial assurance as specified in this Section. The notice must be sent by certified mail 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 requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1), require reports

of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator must provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.

8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate other qualifications on an individual basis. The owner or operator must provide alternate financial assurance as specified in this Section within 30 days after notification of the disallowance.

9) The owner or operator is no longer required to submit the items specified in subsection (e)(3) when either of the following occurs:

   A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

   B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

10) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (e)(1) through (e)(8), and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide the following:

A) That, if the owner or operator fails to perform final closure of a facility covered by the corporate guarantee in accordance with the closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a), in the name of the owner or operator.

B) That the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) That, if the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.

f) Use of Multiple Financial Mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds, letters of credit, and insurance. The mechanisms must be as specified in subsections (a) through (d), respectively, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an amount at least equal to the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

g) Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA identification number, name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to close all of the owner or operator's facilities. In directing funds available through the mechanism for closure of any of the facilities covered by the mechanism, the Agency may

direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

h) Release of the Owner or Operator from the Requirements of This Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that final closure has been completed in accordance with the approved closure plan, the Agency must notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for closure of the facility, unless the Agency determines that closure has not been in accordance with the approved closure plan. The Agency must provide the owner or operator a detailed written statement of any such determination that closure has not been in accordance with the approved closure plan.

i) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit, or insurance; or

2) Requiring alternate assurance upon a finding that an owner or operator or parent corporation no longer meets a financial test.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.244 Cost Estimate for Post-Closure Care

a) The owner or operator of a hazardous waste disposal unit must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in Section 725.217 through 725.220, 725.328, 725.358, 725.380, and 725.410.

1) The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party that is neither a parent nor a subsidiary of the owner or operator. (See the definition of "parent corporation" in Section 725.241(d).)

2) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required under Section 725.217.

b) During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within 30 days after each anniversary of the

date on which the first post-closure cost estimate was prepared. The adjustment must be made 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 725.245. For an owner or operator using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 725.245(e)(5). The adjustment may be made by recalculating the post-closure cost estimate in current dollars, or by using an inflation factor 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 as specified in subsections (b)(1) and (b)(2). 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 post-closure estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

2) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

c) During the active life of the facility, the owner or operator must revise the post-closure cost estimate whenever a change in the post-closure plan no later than 30 days after a revision to the post-closure plan that increases the cost of post-closure care. If the owner or operator has an approved post-closure plan, the post-closure cost estimate must be revised no later than 30 days after the Agency has approved the request to modify the plan if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in subsection (b).

d) The owner or operator must keep the following at the facility during the operating life of the facility: the latest post-closure cost estimate prepared in accordance with subsections (a) and (c) and, when this estimate has been adjusted in accordance with subsection (b), the latest adjusted post-closure cost estimate.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.245 Financial Assurance for Post-Closure Monitoring and Maintenance

An owner or operator of a facility with a hazardous waste disposal unit must establish financial assurance for post-closure care of the disposal units. The owner or operator must choose from the following options:

a) Post-Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by establishing a post-closure trust fund that conforms to the requirements of this subsection and submitting an original, signed duplicate of the trust

agreement to the Agency. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or State agency.

2) The wording of the trust agreement must be as specified in 35 Ill. Adm. Code 724.251 and the trust agreement must be accompanied by a formal certification of acknowledgment (as specified in 35 Ill. Adm. Code 724.251). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current post-closure cost estimate covered by the agreement.

3) Payments into the trust fund must be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan; this period is hereafter referred to as the "pay-in period". The payments into the post-closure trust fund must be made as follows:

A) The first payment must be at least equal to the current post-closure cost estimate, except as provided in subsection (f), divided by the number of years in the pay-in period.

B) Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next Payment} = \frac{(\text{CE} - \text{CV})}{\text{Y}}$$

Where:
CE = the current closure cost estimate
CV= the current value of the trust fund
Y = the number of years remaining in the pay-in period

4) The owner or operator may accelerate payments into the trust fund or may deposit the full amount of the current post-closure cost estimate at the time the fund is established. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsection (a)(3).

5) If the owner or operator establishes a post-closure trust fund after having used one or more alternate mechanisms specified in this Section, the owner or operator's first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made as specified in subsection (a)(3).

6) After the pay-in period is completed, whenever the current post-closure cost estimate changes during the operating life of the facility, the owner or

operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current post-closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.

7) During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate.

8) If an owner or operator substitutes other financial assurance as specified in this Section for all or part of the trust fund, owner or operator may submit a written request to the Agency for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (a)(7) or (a)(8), the Agency must instruct the trustee to release to the owner or operator such funds as the Agency specifies in writing.

10) During the period of post-closure care, the Agency must approve a release of funds if the owner or operator demonstrates to the Agency that the value of the trust fund exceeds the remaining cost of post-closure care.

11) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency must instruct the trustee to make reimbursement in those amounts as the Agency specifies in writing if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the trustee to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

12) The Agency must agree to termination of a trust when either of the following occurs:

    A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

    B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

b) Surety Bond Guaranteeing Payment into a Post-Closure Trust Fund

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (b) and submitting the bond to the Agency. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

BOARD NOTE: The U.S. Department of the Treasury updates Circular 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies", on an annual basis pursuant to 31 CFR 223.16. Circular 570 is available on the Internet from the following website: http://www.fms.treas.gov/c570/.

2) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

3) The owner or operator that uses a surety bond to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements specified in subsection (a), except as follows:

A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the surety bond; and

B) Until the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

i) Payments into the trust fund, as specified in subsection (a);

ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.251) to show current post-closure cost estimates;

iii) Annual valuations, as required by the trust agreement; and

iv) Notices of nonpayment, as required by the trust agreement.

4) The bond must guarantee that the owner or operator will perform the following acts:

A) Fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

B) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued by the Board or a court of competent jurisdiction; or

C) Provide alternate financial assurance, as specified in this Section, and obtain the Agency's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the bond from the surety.

5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

6) The penal sum of the bond must be in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (f).

7) Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

9) The owner or operator may cancel the bond if the Agency has given prior written consent based on its receipt of evidence of alternate financial assurance as specified in this Section.

c) Post-Closure Letter of Credit

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection (c) and submitting the letter to the Agency. The issuing institution must be an entity that has the authority to issue

letters of credit and whose letter-of-credit operations are regulated and examined by a federal or State agency.

2) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.

3) An owner or operator that uses a letter of credit to satisfy the requirements of this Section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Agency must be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Agency. This standby trust fund must meet the requirements of the trust fund specified in subsection (a), except as follows:

   A) An original, signed duplicate of the trust agreement must be submitted to the Agency with the letter of credit; and

   B) Unless the standby trust fund is funded pursuant to the requirements of this Section, the following are not required by these regulations:

      i) Payments into the trust fund, as specified in subsection (a);

      ii) Updating of Schedule A of the trust agreement (as specified in 35 Ill. Adm. Code 724.151) to show current post-closure cost estimates;

      iii) Annual valuations, as required by the trust agreement; and

      iv) Notices of nonpayment, as required by the trust agreement.

4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: the USEPA identification number, name, and address of the facility, and the amount of funds assured for post-closure care of the facility by the letter of credit.

5) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Agency by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Agency have received the notice, as evidenced by the return receipts.

6) The letter of credit must be issued in an amount at least equal to the current post-closure cost estimate, except as provided in subsection (f).

7) Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

8) During the period of post-closure care, the Agency must approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the Agency that the amount exceeds the remaining cost of post-closure care.

9) Following a final judicial determination or Board order finding that the owner or operator has failed to perform post-closure care in accordance with the approved post-closure plan and other interim status requirements, the Agency may draw on the letter of credit.

10) If the owner or operator does not establish alternate financial assurance, as specified in this Section, and obtain written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Agency must draw on the letter of credit. The Agency may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days after any such extension the Agency must draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance, as specified in this Section, and obtain written approval of such assurance from the Agency.

11) The Agency must return the letter of credit to the issuing institution for termination when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

d) Post-Closure Insurance

1) An owner or operator may satisfy the requirements of this Section by obtaining post-closure insurance that conforms to the requirements of this subsection and submitting a certificate of such insurance to the Agency. At a minimum, the insurer must be 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) The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251.

3) The post-closure insurance policy must be issued for a face amount at least equal to the current post-closure estimate, except as provided in subsection (f). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

4) The post-closure insurance policy must guarantee that funds will be available to provide post-closure care of facility whenever the post-closure period begins. The policy must also guarantee that, once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency, to such party or parties as the Agency specifies.

5) An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure care expenditures by submitting itemized bills to the Agency. Within 60 days after receiving bills for post-closure activities, the Agency must instruct the insurer to make reimbursement in such amounts as the Agency specifies in writing, if the Agency determines that the post-closure care expenditures are in accordance with the approved post-closure plan or otherwise justified. If the Agency does not instruct the insurer to make such reimbursements, the Agency must provide the owner or operator with a detailed written statement of reasons.

6) The owner or operator must maintain the policy in full force and effect until the Agency consents to termination of the policy by the owner or operator, as specified in subsection (d)(11). Failure to pay the premium, without substitution of alternate financial assurance, as specified in this Section, will constitute a significant violation of these regulations, warranting such remedy as the Board may impose pursuant to the Environmental Protection Act. Such violation will be deemed to begin upon receipt by the Agency of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

7) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration, one of the following occurs:

A) The Agency deems the facility abandoned;

B) Interim status is terminated or revoked;

C) Closure is ordered by the Board or a court of competent jurisdiction;

D) The owner or operator is named as debtor in a voluntary or involuntary proceeding under 11 USC (Bankruptcy); or

E) The premium due is paid.

9) Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the Agency, or obtain other financial assurance, as specified in this Section, to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the Agency.

10) Commencing on the date that liability to make payments pursuant to the policy accrues, the insurer must thereafter annually increase the face amount of the policy. Such increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount

equivalent to 85 percent of the most recent investment rate or of the equivalent coupon-issue yield announced by the U.S. Treasury for 26-week Treasury securities.

11) The Agency must give written consent to the owner or operator that the owner or operator may terminate the insurance policy when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

e) Financial Test and Corporate Guarantee for Post-Closure Care

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test, as specified in this subsection (e). To pass this test the owner or operator must meet the criteria of either subsection (e)(1)(A) or (e)(1)(B):

A) The owner or operator must have each of the following:

i) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5;

ii) Net working capital and tangible net worth each at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible new worth of at least $10 million; and

iv) Assets in the United States amounting to at least 90 percent of total assets or at least six times the sum of the current closure and post-closure cost estimates and the plugging and abandonment cost estimates.

B) The owner or operator must have each of the following:

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;

ii) Tangible net worth at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates;

iii) Tangible net worth of at least $10 million; and

iv) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current closure and post-closure cost estimates and the current plugging and abandonment cost estimates.

2) The phrase "current closure and post-closure cost estimates", as used in subsection (e)(1), refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 724.251). The phrases "current plugging and abandonment cost estimates", as used in subsection (e)(1), refers to the cost estimates required to be shown in subsections 1 through 4 of the letter from the owner's or operator's chief financial officer (see 35 Ill. Adm. Code 704.240).

3) To demonstrate that it meets this test, the owner or operator must submit each of the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251;

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; and

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating both of the following:

i) That the accountant has compared the data that 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

ii) In connection with that procedure, that no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

4) This subsection (e)(4) corresponds with 40 CFR 265.143(e)(4), a federal provision relating to an extension of the time to file the proofs of financial assurance required by this subsection (e) granted by USEPA. This statement maintains structural consistency with the corresponding federal regulations.

5) After the initial submission of items specified in subsection (e)(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 subsection (e)(3).

6) If the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator must send notice to the Agency of intent to establish alternate financial assurance, as specified in this Section. The notice must be sent by certified mail 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 requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

7) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (e)(1), require reports of financial condition at any time from the owner or operator in addition to those specified in subsection (e)(3). If the Agency finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of subsection (e)(1), the owner or operator must provide alternate financial assurance, as specified in this Section, within 30 days after notification of such a finding.

8) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (e)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency must evaluate other qualifications on an individual basis. The owner or operator must provide alternate financial assurance, as specified in this Section, within 30 days after notification of the disallowance.

9) During the period of post-closure care, the Agency must approve a decrease in the current post-closure cost estimate for which this test demonstrates financial assurance if the owner or operator demonstrates to the Agency that the amount of the cost estimate exceeds the remaining cost of post-closure care.

10) The owner or operator is no longer required to submit the items specified in subsection (e)(3) when either of the following occurs:

A) An owner or operator substitutes alternate financial assurance, as specified in this Section; or

B) The Agency releases the owner or operator from the requirements of this Section in accordance with subsection (h).

11) An owner or operator may meet the requirements of this Section by obtaining a written guarantee, hereafter referred to as "corporate guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (e)(1) through (e)(9), and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified in 35 Ill. Adm. Code 724.251. The corporate guarantee must accompany the items sent to the Agency as specified in subsection (e)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this substantial business relationship" and the value received in consideration of the guarantee. The terms of the corporate guarantee must provide as follows:

A) That, if the owner or operator fails to perform post-closure care of a facility covered by the corporate guarantee in accordance with the post-closure plan and other interim status requirements whenever required to do so, the guarantor will do so or establish a trust fund as specified in subsection (a), in the name of the owner or operator.

B) That the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.

C) That, if the owner or operator fails to provide alternate financial assurance, as specified in this Section, and obtain the written approval of such alternate assurance from the Agency within 90 days after receipt by both the owner or operator and the Agency of a notice of cancellation of the corporate guarantee from the

guarantor, the guarantor will provide such alternate financial assurance in the name of the owner or operator.

f) Use of Multiple Financial Mechanisms. An owner or operator may satisfy the requirements of this Section by establishing more than one financial mechanism per facility. These mechanisms are limited to trust funds, surety bonds, letters of credit, and insurance. The mechanisms must be as specified in subsections (a) through (d), respectively, except that it is the combination of mechanisms, rather than the single mechanism, that must provide financial assurance for an amount at least equal to the current post-closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, it may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for post-closure care of the facility.

g) Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Section to meet the requirements of this Section for more than one facility. Evidence of financial assurance submitted to the Agency must include a list showing, for each facility, the USEPA Identification Number, name, address, and the amount of funds for post-closure care assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. The amount of funds available to the Agency must be sufficient to provide post-closure care for all of the owner or operator's facilities. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the Agency may direct only the amount of funds designated for that facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

h) Release of the Owner or Operator from the Requirements of This Section. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that the post-closure care period has been completed in accordance with the approved post-closure plan, the Agency must notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain financial assurance for post-closure care of that unit, unless the Agency determines that post-closure care has not been in accordance with the approved plan. The Agency must provide the owner or operator a detailed written statement of any such determination that post-closure care has not been in accordance with the approved post-closure plan.

i) Appeal. The following Agency actions are deemed to be permit modifications or refusals to modify for purposes of appeal to the Board (35 Ill. Adm. Code 702.184(e)(3)):

1) An increase in, or a refusal to decrease the amount of, a bond, letter of credit, or insurance; or

2) Requiring alternate assurance upon a finding that an owner or operator or parent corporation no longer meets a financial test.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

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

An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both Sections 725.243 and 725.245. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.247 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, as specified in subsections (a)(1) through (a)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (a)(1).

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 and of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. 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.

B) Each insurance policy must be issued by an insurer that is licensed by the Illinois Department of Financial and Professional Regulation, Division of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g).

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h).

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j).

6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (a)(6), the owner or operator must specify at least one such assurance as "primary" coverage, and must specify other such assurance as "excess" coverage.

7) An owner or operator must notify the Agency within 30 days whenever one of the following occurs:

A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (a)(1) through (a)(6);

B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (a)(1) through (a)(6); or

C) A final court order establishing a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (a)(1) through (a)(6).

b) Coverage for Nonsudden Accidental Occurrences. An owner or operator of a surface impoundment, landfill, or land treatment facility that 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. An owner or operator meeting the requirements of this Section may combine the required per-occurrence coverage levels for sudden and nonsudden accidental occurrences into a single per-occurrence level, and combine the required annual aggregate coverage levels for sudden and nonsudden accidental occurrences into a single annual aggregate level. An owner or operator that combines coverage levels for sudden and nonsudden accidental occurrences must maintain liability coverage in the amount of at least $4 million per occurrence and $8 million annual aggregate. This liability coverage may be demonstrated, as specified in subsections (b)(1) through (b)(6):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance, as specified in this subsection (b)(1).

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 as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. 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.

B) Each insurance policy must be issued by an insurer that is licensed by the Illinois Department of Financial and Professional Regulation, Division of Insurance.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the guarantee for liability coverage, as specified in subsections (f) and (g).

3) An owner or operator may meet the requirements of this Section by obtaining a letter of credit for liability coverage, as specified in subsection (h).

4) An owner or operator may meet the requirements of this Section by obtaining a surety bond for liability coverage, as specified in subsection (i).

5) An owner or operator may meet the requirements of this Section by obtaining a trust fund for liability coverage, as specified in subsection (j).

6) An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, financial test, guarantee, letter of credit, surety bond, and trust fund, except that the owner or operator may not combine a financial test covering part of the liability coverage requirement with a guarantee unless the financial statement of the owner or operator is not consolidated with the financial statement of the guarantor. The amounts of coverage demonstrated must total at least the minimum amounts required by this Section. If the owner or operator demonstrates the required coverage through the use of a combination of financial assurances pursuant to this subsection (b)(6), the owner or operator must specify at least one such assurance as "primary" coverage, and must specify other such assurance as "excess" coverage.

7) An owner or operator must notify the Agency within 30 days whenever one of the following occurs:

   A) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial instrument authorized in subsections (b)(1) through (b)(6);

   B) A Certification of Valid Claim for bodily injury or property damages caused by sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (b)(1) through (b)(6); or

   C) A final court order establishing a judgment for bodily injury or property damage caused by a sudden or non-sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (b)(1) through (b)(6).

c) Request for Adjusted Level of Required Liability Coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsection (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 in writing to the Agency. If granted, the Agency's action must 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 that requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). The Agency must process any request for an adjusted level of required liability coverage as if it were a permit modification request pursuant to 35 Ill. Adm. Code 703.271(e)(3) and 705.128. Notwithstanding any other provision, the Agency must hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (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 must adjust the level of financial responsibility required pursuant to subsection (a) or (b) as may be necessary to adequately protect human health and the environment. This adjusted level must 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 non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator must furnish to the Agency, within a time specified by the Agency in the request, which must not be less than 30 days, any information that the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. The Agency must process any request for an adjusted level of required liability coverage as if it were a permit modification request pursuant to 35 Ill. Adm. Code 703.271(e)(3) and 705.128. Notwithstanding any other provision, the Agency must hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

e) Period of Coverage. Within 60 days after receiving certifications from the owner or operator and a qualified Professional Engineer that final closure has been completed in accordance with the approved closure plan, the Agency must notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

f) Financial Test for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test, as specified in this subsection (f)(1). To pass this test the owner or operator must meet the criteria of subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator must have each of the following:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test;

ii) Tangible net worth of at least $10 million; and

iii) Assets in the United States amounting to either: at least 90 percent of 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 each of the following:

i) A current rating for the owner or operator's 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;

ii) Tangible net worth of at least $10 million;

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 of the following: at least 90 percent of 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 subsection (f)(1), refers to the annual aggregate amounts for which coverage is required pursuant to subsections (a) and (b).

3) To demonstrate that the owner or operator meets this test, the owner or operator must submit each of 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 35 Ill. Adm. Code 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by 35 Ill. Adm. Code 724.243(f) and 724.245(f), or by Sections 725.243(e) and 725.245(e), and liability coverage, it must submit the letter specified in 35 Ill. Adm. Code 724.251 to cover both forms of financial responsibility; a separate letter, as specified in 35 Ill. Adm. Code 724.251 is not required.

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 as follows:

i) That the accountant has compared the data that 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

ii) In connection with that procedure, that no matters came to the accountant's attention that caused the accountant to believe that the specified data should be adjusted.

5) After the initial submission of items specified in subsection (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 subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee 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 the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion is cause for disallowance. The Agency must 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.

g) Guarantee for Liability Coverage

1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners and operators in subsections (f)(1) through (f)(6). The wording of the guarantee must be as specified in 35 Ill. Adm. Code 724.251. A certified copy of the guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee. The terms of the guarantee must provide as follows:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurrences (or both as the case may be), arising from the operation of facilities covered by this guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

B) The guarantee remains in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee must not be terminated unless and until the

Agency approves alternate liability coverage complying with Section 725.247 or 35 Ill. Adm. Code 724.247.

2) The guarantor must execute the guarantee in Illinois. The guarantee must be accompanied by a letter signed by the guarantor that states as follows:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

3) The guarantor must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105/105.05].

h) Letter of Credit for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this subsection, and submitting a copy of the letter of credit to the Agency.

2) The financial institution issuing the letter of credit must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies.

3) The wording of the letter of credit must be as specified in 35 Ill. Adm. Code 724.251.

4) An owner or operator that uses a letter of credit to satisfy the requirements of this Section may also establish a trust fund. Under the terms of such a letter of credit, all amounts paid pursuant to a draft by the trustee of the standby trust will be deposited by the issuing institution into the standby trust in accordance with instructions from the trustee. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or that complies with the Corporate Fiduciary Act [205 ILCS 620].

5) The wording of the standby trust fund must be identical to the wording specified in 35 Ill. Adm. Code 724.251(n).

i) Surety Bond for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this subsection (i) and submitting a copy of the bond to the Agency.

2) The surety company issuing the bond must be licensed by the Illinois Department of Financial and Professional Regulation, Division of Insurance.

3) The wording of the surety bond must be as specified in 35 Ill. Adm. Code 724.251.

j) Trust Fund for Liability Coverage

1) An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this subsection and submitting a signed, duplicate original of the trust agreement to the Agency.

2) The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or that complies with the Corporate Fiduciary Act [205 ILCS 620].

3) The trust fund for liability coverage must be funded for the full amount of the liability coverage to be provided by the trust fund before it may be relied upon to satisfy the requirements of this Section. If at any time after the trust fund is created the amount of funds in the trust fund is reduced below the full amount of liability coverage to be provided, the owner or operator, by the anniversary of the date of establishment of the fund, must either add sufficient funds to the trust fund to cause its value to equal the full amount of liability coverage to be provided, or obtain other financial assurance, as specified in this Section, to cover the difference. For purposes of this subsection, "the full amount of the liability coverage to be provided" means the amount of coverage for sudden and nonsudden accidental occurrences required to be provided by the owner or operator by this Section, less the amount of financial assurance for liability coverage that is being provided by other financial assurance mechanisms being used to demonstrate financial assurance by the owner or operator.

4) The wording of the trust fund must be as specified in 35 Ill. Adm. Code 724.251.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

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

a) An owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under 11 USC (Bankruptcy) naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in Sections 725.243(e) and 725.245(e) must make such a notification if the guarantor is named as a debtor, as required under the terms of the corporate guarantee (see 35 Ill. Adm. Code 724.251).

b) An owner or operator that fulfills the requirements of Sections 725.243, 725.245 or 725.247 by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.251 Promulgation of Forms (Repealed)

(Source: Repealed at 11 Ill. Reg. 6044, effective March 24, 1987)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 725.270 Applicability

The regulations in this Subpart I apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as Section 725.101 provides otherwise.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.271 Condition of Containers

If a container holding hazardous waste is not in good condition or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that it complies with the requirements of this Part.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.272 Compatibility of Waste with Containers

The owner or operator must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.273 Management of Containers

a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

b) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

BOARD NOTE: Re-use of containers in transportation is governed by USDOT regulations, including those set forth in 49 CFR 173.28 (Reuse, Reconditioning, and Remanufacture of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.274 Inspections

At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. See Section 725.171 for remedial action required if deterioration or leaks are detected.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.276 Special Requirements for Ignitable or Reactive Wastes

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

BOARD NOTE: See Section 725.117(a) for additional requirements.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.277 Special Requirements for Incompatible Wastes

a) Incompatible wastes or incompatible wastes and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) must not be placed in the same container, unless Section 725.117(b) is complied with.

b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V of 40 CFR 265, for examples), unless Section 725.117(b) is complied with.

c) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, 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 is to prevent fires, explosions, gaseous emissions, leaching, or other discharge or hazardous waste or hazardous waste constituents that could result from the mixing of incompatible wastes or materials if containers break or leak.

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.278 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a container in accordance with the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART J: TANK SYSTEMS

Section 725.290 Applicability

The regulations of this Subpart J apply to owners and operators of facilities that use tank systems for storing or treating hazardous waste, except as otherwise provided in subsection (a), (b), or (c) or in Section 725.101.

a) Tank systems that are used to store or treat hazardous waste that contains no free liquids and that are situated inside a building with an impermeable floor are exempted from the requirements in Section 725.293. To demonstrate the absence or presence of free liquids in the stored or treated waste, the following test must be used: USEPA Method 9095B (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

b) Tank systems, including sumps, as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 725.293(a).

c) Tanks, sumps, and other collection devices used in conjunction with drip pads, as defined in 35 Ill. Adm. Code 720.110 and regulated under Subpart W, must meet the requirements of this Subpart J.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.291 Assessment of Existing Tank System Integrity

a) For each existing tank system that does not have secondary containment meeting the requirements of Section 725.293, the owner or operator must determine either that the tank system is not leaking or that it is unfit for use. Except as provided in subsection (c), the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that attests to the tank system's integrity.

b) This assessment must determine whether the tank system is adequately designed and has sufficient structural strength and compatibility with the wastes to be stored or treated to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

1) Design standards, if available, according to which the tank and ancillary equipment were constructed;

2) Hazardous characteristics of the wastes that have been or will be handled;

3) Existing corrosion protection measures;

4) Documented age of the tank system, if available, (otherwise, an estimate of the age); and

5) Results of a leak test, internal inspection, or other tank integrity examination, such that the following conditions are met:

A) For non-enterable underground tanks, this assessment must consist of a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pocket, and high water table effects.

B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must be either a leak test, as described above, or an internal inspection or other tank integrity examination certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that addresses cracks, leaks, corrosion, and erosion.

BOARD NOTE: The practices described in the American Petroleum Institute (API) Publication, "Guide for Inspection of Refinery Equipment", Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks",

incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as guidelines in conducting the integrity examination of an other than non-enterable underground tank system.

c) Tank systems that store or treat materials that become hazardous wastes must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

d) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of Sections 725.296.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.292 Design and Installation of New Tank Systems or Components

a) An owner or operator of a new tank system or component must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include the following information:

1) Design standards according to which the tanks and ancillary equipment is or will be constructed.

2) Hazardous characteristics of the wastes to be handled.

3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system is or will be in contact with the soil or with water, a determination by a corrosion expert of the following:

A) Factors affecting the potential for corrosion, including but not limited to the following:

i) Soil moisture content;

ii) Soil pH;

iii) Soil sulfides level;

iv) Soil resistivity;

v) Structure to soil potential;

vi) Influence of nearby underground metal structures (e.g., piping);

vii) Stray electric current;

viii) Existing corrosion-protection measures (e.g., coating, cathodic protection, etc.); and

B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

i) Corrosion-resistant materials of construction such as special alloys, or fiberglass-reinforced plastic;

ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

iii) Electrical isolation devices such as insulating joints and flanges, etc.

BOARD NOTE: The practices described in the National Association of Corrosion Engineers (NACE) Standard, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285, and "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

4) For underground tank system components that are likely to be affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

5) Design considerations to ensure the following:

A) Tank foundations will maintain the load of a full tank;

B) Tank systems will be anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone, or is located within a seismic fault zone; and

C) Tank systems will withstand the effects of frost heave.

b) The owner and operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing or placing a new tank system or component in use, an independent, qualified installation inspector or a qualified Professional Engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system or component for the presence of any of the following items:

1) Weld breaks;

2) Punctures;

3) Scrapes of protective coatings;

4) Cracks;

5) Corrosion; and

6) Other structural damage or inadequate construction or installation. All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

c) New tank systems or components and piping that are placed underground and which are backfilled must be provided with a backfill material that is a noncorrosive, porous, and homogeneous substance which is carefully installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leaks in the system must be performed prior to the tank system being covered, enclosed, or placed in use.

e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

BOARD NOTE: The piping system installation procedures described in "Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, or "Chemical Plant and Petroleum Refinery Piping", ASME/ANSI Standard B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, each

incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used where applicable, as guidelines for proper installation of piping systems.

f) The owner and operator must provide the type and degree of corrosion protection necessary, based on the information provided under subsection (a)(3), to ensure the integrity of the tank system during use of the tanks system. An independent corrosion expert must supervise the installation of a corrosion protection system that is field fabricated to ensure proper installation.

g) The owner and operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of subsections (b) through (f) to attest that the tank system was properly designed and installed and that repairs, pursuant to subsections (b) and (d) were performed. These written statements must also include the certification statement, as required in 35 Ill. Adm. Code 702.126(d).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.293 Containment and Detection of Releases

a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this Section must be provided (except as provided in subsections (f) and (g)).

1) For a new or existing tank system or component, prior to its being put into service.

2) For a tank system that stores or treats materials that become hazardous wastes, within two years after the hazardous waste listing, or when the tank system has reached 15 years of age, whichever comes later.

b) Secondary containment systems must be as follows:

1) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and

2) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

c) To meet the requirements of subsection (b), secondary containment systems must be at a minimum as follows:

1) Constructed of or lined with materials that are compatible with the wastes to be placed in the tank system and of sufficient strength and thickness to

prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic);

2) Placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression, or uplift;

3) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing detection technology or site conditions will not allow detection of a release within 24 hours;

4) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

BOARD NOTE: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 728. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of 35 Ill. Adm. Code 307 and 310. If the collected material is released to the environment, it may be subject to the reporting requirements of 35 Ill. Adm. Code 750.410 and federal 40 CFR 302.6.

d) Secondary containment for tanks must include one or more of the following devices:

1) A liner (external to the tank);

2) A vault;

3) A double-walled tank; or

4) An equivalent device as approved by the Board in an adjusted standards proceeding.

e) In addition to the requirements of subsections (b), (c), and (d), secondary containment systems must satisfy the following requirements:

1) External liner systems must be as follows:

A) Designed or operated to contain 100 percent of the capacity of the largest tank within the liner system's boundary;

B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) Free of cracks or gaps; and

D) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tanks (i.e., capable of preventing lateral as well as vertical migration of the waste).

2) Vault systems must be as follows:

A) Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;

B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) Constructed with chemical-resistant water stops in place at all joints (if any);

D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

i) Meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or

ii) Meets the definition of reactive waste under 35 Ill. Adm. Code 721.123 and may form an ignitable or explosive vapor; and

F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) Double-walled tanks must be as follows:

A) Designed as an integral structure (i.e., an inner tank within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) Protected, if constructed of metal, from both corrosion of the primary tank interior and the external surface of the outer shell; and

C) Provided with a built-in continuous leak detection system capable of detecting a release within 24 hours or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing leak detection technology or site conditions will not allow detection of a release within 24 hours.

BOARD NOTE: The provisions outlined in the Steel Tank Institute (STI) document "Standard for Dual Wall Underground Steel Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used as guidelines for aspects of the design of underground steel double-walled tanks.

f) Ancillary equipment must be provided with full secondary containment (e.g., trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (c) and (h), except for the following:

1) Aboveground piping (exclusive of flanges, joints, valves, and connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps and sealless valves that are visually inspected for leaks on a daily basis; and

4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

g) Pursuant to Section 28.1 of the Environmental Protection Act, and in accordance with Subpart D of 35 Ill. Adm. Code 104, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2).

1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The nature and quantity of the waste;

B) The proposed alternate design and operation;

C) The hydrogeologic setting of the facility, including the thickness of soils between the tank system and groundwater; and

D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.

2) In deciding whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The potential adverse effects on groundwater, surface water, and land quality taking the following into account:

i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

ii) The hydrogeological characteristics of the facility and surrounding land;

iii) The potential for health risks caused by human exposure to waste constituents;

iv) The potential for damage to wildlife; crops, vegetation, and physical structures caused by exposure to waste constituents; and

v) The persistence and permanence of the potential adverse effects;

B) The potential adverse effects of a release on groundwater quality, taking the following into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The proximity and withdrawal rates of water in the area;

iii) The current and future uses of groundwater in the area; and

iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

C) The potential adverse effects of a release on surface water quality, taking the following into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The patterns of rainfall in the region;

iii) The proximity of the tank system to surface waters;

iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and

v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality; and

D) The potential adverse effects of a release on the land surrounding the tank system, taking the following into account:

i) The patterns of rainfall in the region; and

ii) The current and future uses of the surrounding land.

3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), must fulfill the following requirements:

A) It must comply with the requirements of Section 725.296, except Section 725.296(d); and

B) It must decontaminate or remove contaminated soil to the extent necessary to assure the following:

i) It must enable the tank system, for which alternative design and operating practices were granted, to resume operation with the capability for the detection of and response to releases at least equivalent to the capability it had prior to the release; and

ii) It must prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water.

C) If contaminated soil cannot be removed or decontaminated in accordance with subsection (g)(3)(B), it must comply with the requirements of Section 725.297(b).

4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the alternative design and operating practices, must fulfill the following requirements:

A) It must comply with the requirements of Section 725.296(a), (b), (c), and (d); and

B) It must prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator must comply with the requirements of Section 725.297(b);

C) If repairing, replacing, or reinstalling the tank system, it must provide secondary containment in accordance with the requirements of subsections (a) through (f), or make the alternative design and operating practices demonstration to the Board again with respect to secondary containment and meet the requirements for new tank systems in Section 725.292 if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil is decontaminated or removed, and groundwater or surface water has not been contaminated.

h) In order to make an alternative design and operating practices demonstration, the owner or operator must follow the following procedures, in addition to those specified in Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104:

1) The owner or operator must file a petition for approval of alternative design and operating practices according to the following schedule:

A) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with subsection (a); and

B) For new tank systems, at least 30 days prior to entering into a contract for installation of the tank system.

2) As part of the petition, the owner or operator must also submit the following to the Board:

A) A description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in subsection (g)(1) or (g)(2); and

B) The portion of the Part B permit application specified in 35 Ill. Adm. Code 703.202.

3) The owner or operator must complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.

4) The Agency must issue or modify the RCRA permit so as to require the permittee to construct and operate the tank system in the manner that was provided in any Board order approving alternative design and operating practices.

i) All tank systems, until such time as secondary containment meeting the requirements of this Section is provided, must comply with the following:

1) For non-enterable underground tanks, a leak test that meets the requirements of Section 725.291(b)(5) must be conducted at least annually.

2) For other than non-enterable underground tanks and for all ancillary equipment, the owner or operator must either conduct a leak test, as described in subsection (i)(1), or an internal inspection or other tank integrity examination, by a qualified Professional Engineer, that addresses cracks, leaks, and corrosion or erosion at least annually. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.

BOARD NOTE: The practices described in API Publication "Guide for Inspection of Refinery Equipment", Chapter XIII, "Atmospheric and Low Pressure Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, when applicable, as guidelines for assessing the overall condition of the tank system.

3) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with subsections (i)(1) through (i)(3).

4) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (i)(3), the owner or operator must comply with the requirements of Section 725.296.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.294 General Operating Requirements

a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment or the secondary containment system to rupture, leak, corrode, or otherwise fail.

b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or secondary containment systems. These include the following, at a minimum:

1) Spill prevention controls (e.g., check valves, dry disconnect couplings, etc.);

2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

c) The owner or operator must comply with the requirements of Section 725.296 if a leak or spill occurs in the tank system.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.295 Inspections

a) The owner or operator must inspect the following, where present, at least once each operating day, data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design.

b) Except as noted under subsection (c), the owner or operator must inspect the following at least once each operating day:

1) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;

2) Above ground portions of the tank system, if any, to detect corrosion or releases of waste; and

3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation, etc.).

BOARD NOTE: Section 725.115(c) requires the owner or operator to remedy any deterioration or malfunction the owner or operator finds. Section 725.296 requires the owner or operator to notify the Agency within 24 hours of confirming a release. Also, federal 40 CFR 302 may require the owner or operator to notify the National Response Center of a release.

c) The owner or operator of a tank system that either uses leak detection equipment to alert facility personnel to leaks or implements established workplace practices to ensure leaks are promptly identified must inspect at least weekly those areas described in subsections (b)(1) through (b)(3). Use of the alternate inspection schedule must be documented in the facility's operating record. This documentation must include a description of the established workplace practices at the facility.

d) This subsection (d) corresponds with 40 CFR 265.195(d), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the corresponding federal requirements.

e) Ancillary equipment that is not provided with secondary containment, as described in Section 725.293(f)(1) through (f)(4), must be inspected at least once each operating day.

f) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation, and annually thereafter; and

2) All sources of impressed current must be inspected or tested, as appropriate, at least every other month.

BOARD NOTE: The practices described in "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, or "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, each incorporated by reference in 35 Ill. Adm. Code 720.111(a), may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

g) The owner or operator must document in the operating record of the facility an inspection of those items in subsections (a) and (b).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

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

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately. The owner or operator must satisfy the following requirements:

a) Cease Using; Prevent Flow or Addition of Wastes. The owner or operator must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of Waste from Tank System or Secondary Containment System

1) If the release was from the tank system, the owner or operator must, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

2) If the release was to a secondary containment system, all released materials must be removed within 24 hours to prevent harm to human health and the environment.

c) Containment of Visible Releases to the Environment. The owner or operator must immediately conduct a visual inspection of the release and, based upon that inspection, do the following:

1) Prevent further migration of the leak or spill to soils or surface water; and

2) Remove and properly dispose of any visible contamination of the soil or surface water.

d) Notifications; Reports

1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours after detection.

2) A leak or spill of hazardous waste is exempted from the requirements of this subsection (d) if the following occur:

A) The spill is less than or equal to a quantity of one pound (0.45 kg); and

B) The spill is immediately contained and cleaned-up.

3) Within 30 days after detection of a release to the environment, a report containing the following information must be submitted to the Agency:

A) Likely route of migration of the release;

B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);

C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available;

D) Proximity to downgradient drinking water, surface water, and population areas; and

E) Description of response actions taken or planned.

e) Provision of Secondary Containment, Repair, or Closure

1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 725.297.

2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 725.293 before it is returned to service, unless the source of the leak is an aboveground portion of a tank system. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subsection (e)(4), that component must satisfy the requirements for new tank systems or components in Sections 725.292 and 725.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or on-ground tank), the entire component must be provided with secondary containment in accordance with Section 725.293 prior to being returned to use.

f) Certification of Major Repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair of a ruptured primary containment or secondary containment vessel, etc.), the tank system must not be returned to

service unless the owner or operator has obtained a certification by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be placed in the operating record and maintained until closure of the facility.

BOARD NOTE: See Section 725.115(c) for the requirements necessary to remedy a failure. Also, federal 40 CFR 302.6 requires the owner or operator to notify the National Response Center of a release of any "reportable quantity".

(Source: Amended at 43 Ill. Reg. 6049, May 2, 2019)

Section 725.297 Closure and Post-Closure Care

a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in Subparts G and H.

b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (a), then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 725.410). In addition, for the purposes of closure, post-closure and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements of landfills specified in Subparts G and H.

c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of Section 725.293(b) through (f), and which is not exempt from the secondary containment requirements in accordance with Section 725.293(g), then the following requirements apply:

    1) The closure plan for the tank system must include both a plan for complying with subsection (a), and a contingent plan for complying with subsection (b);

    2) A contingent post-closure plan for complying with subsection (b) must be prepared and submitted as part of the permit application;

    3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if these costs are greater than the costs of complying

with the closure plan prepared for the expected closure under subsection (a);

4) Financial assurance must be based on the cost estimates in subsection (c)(3); and

5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure care, and financial responsibility requirements for landfills under Subparts G and H.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.298 Special Requirements for Ignitable or Reactive Wastes

a) Ignitable or reactive waste must not be placed in a tank system, unless either of the following conditions is fulfilled:

1) The waste is treated, rendered or mixed before or immediately after placement in the tank system so that the following two conditions are fulfilled:

A) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

B) Section 725.117(b) is complied with;

2) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

3) The tank system is used solely for emergencies.

b) The owner or operator of a facility where ignitable or reactive waste is stored or tested in tanks must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code", NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.299 Special Requirements for Incompatible Wastes

a) Incompatible wastes or incompatible wastes and materials must not be placed in the same tank system, unless Section 725.117(b) is complied with.

b) Hazardous waste must not be placed in a tank system that has not been decontaminated and which previously held an incompatible waste or material unless Section 725.117(b) is complied with.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.300 Waste Analysis and Trial Tests

In addition to performing the waste analysis required by Section 725.113, whenever a tank system is to be used to chemically treat or to store a hazardous waste that is substantially different from waste previously treated or stored in that tank system, or to treat chemically a hazardous waste with a substantially different process than any previously used in that tank system, the owner or operator must do the following:

a) It must conduct waste analyses and trial treatment or storage tests (e.g., bench-scale or pilot-plant scale tests); or

b) It must obtain written, documented information on similar waste under similar operating conditions to show that the proposed treatment or storage will meet the requirements of Section 725.294(a).

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.301 Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed)

(Source: Repealed at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.302 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a tank in accordance with the requirements of Subparts AA, BB, and CC.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.320 Applicability

The regulations in this Subpart K apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of hazardous waste, except as Section 725.101 provides otherwise.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.321 Design and Operating Requirements

a) The owner or operator of each new surface impoundment unit, each lateral expansion of a surface impoundment unit, and each replacement of an existing surface impoundment unit must install two or more liners and a leachate collection and removal system between such liners, and operate the leachate collection and removal system, in accordance with 35 Ill. Adm. Code 724.321(c), unless exempted under 35 Ill. Adm. Code 724.321(d), (e), or (f).

b) The owner or operator of each unit referred to in subsection (a) must notify the Agency at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.

c) The owner or operator of any replacement surface impoundment unit is exempt from subsection (a) if the following conditions are fulfilled:

1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.321(c), (d), and (e); and

BOARD NOTE: The cited subsections implemented the design standards of sections 3004(o)(1)(A)(i) and (o)(5) of RCRA (42 USC 6924(o)(1)(A)(i) and (o)(5)).

2) There is no reason to believe that the liner is not functioning as designed.

d) The Agency must not require a double liner as set forth in subsection (a) for any monofill, if the following conditions are fulfilled:

1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents that render the wastes hazardous for reasons other than the toxicity characteristic in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

2) No Migration Demonstration

A) Design and Location Requirements

i) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this subsection (d)(2)(A)(i) the term "liner" means a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent

subsurface soil, groundwater, or surface water at any time during the active life of the facility. In the case of any surface impoundment that has been exempted from the requirements of subsection (a), of a liner designed, constructed, installed, and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment the owner or operator must remove or decontaminate all waste residues, all contaminated liner material and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment must comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action;

ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110); and

iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or

B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.

e) In the case of any unit in which the liner and leachate collection system have been installed pursuant to the requirements of subsection (a), and in good faith compliance with subsection (a) and with guidance documents governing liners and leachate collection systems under subsection (a), the Agency must not require a liner or leachate collection system that is different from that which was so installed pursuant to subsection (a) when issuing the first permit to such facility, except that the Agency is not precluded from requiring installation of a new liner when the Agency finds that any liner installed pursuant to the requirements of subsection (a) is leaking.

f) A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overfilling, wave action, or a storm. Except as provided in subsection (g), there must be at least 60 centimeters (two feet) of freeboard.

g) A freeboard level less than 60 centimeters (two feet) may be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of the engineer's knowledge and opinion, prevent overtopping of the dike. The certification, along with a

written identification of alternate design features or operating plans preventing overtopping, must be maintained at the facility.

BOARD NOTE: Any point source discharge from a surface impoundment to waters of the State is subject to the requirements of Section 12 of the Environmental Protection Act. Spills may be subject to Section 311 of the Clean Water Act (33 USC 1321).

h) Surface impoundments that are newly subject to this Part due to the promulgation of additional listings or characteristics for the identification of hazardous waste must be in compliance with subsections (a), (c), or (d) not later than 48 months after the promulgation of the additional listing or characteristic. This compliance period must not be cut short as the result of the promulgation of land disposal prohibitions under 35 Ill. Adm. Code 728 or the granting of an extension to the effective date of a prohibition pursuant to 35 Ill. Adm. Code 728.105, within this 48 month period.

i) Refusal to grant an exemption or waiver, or grant with conditions, may be appealed to the Board.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.322 Action Leakage Rate

a) The owner or operator of surface impoundment units subject to Section 725.321(a) must submit a proposed action leakage rate to the Agency when submitting the notice required under Section 725.321(b). Within 60 days of receipt of the notification, the Agency must do either of the following: establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the Agency before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator.

b) The Agency must approve an action leakage rate for surface impoundment units subject to Section 725.321(a). The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and location of the LDS; waste and leachate characteristics; the likelihood and amounts of other sources of liquids in the LDS; and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover, and creep of synthetic components of the system; overburden pressures; etc.).

c) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under Section 725.326(b) to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period and, if the unit is closed in accordance with Section 725.328(a)(2), monthly during the post-closure care period, unless the Agency approves a different frequency pursuant to Section 725.326(b).

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.323 Containment System

An earthen dike must have a protective cover, such as grass, shale, or rock to minimize wind and water erosion and to preserve its structural integrity.

(Source: Renumbered from Section 725.324 and amended at 32 Ill. Reg. 12566, effective July 14, 2008)

Section 725.324 Response Actions

a) The owner or operator of surface impoundment units subject to Section 725.321(a) must develop and keep on site a response action plan. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b).

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator must do the following:

1) Notify the Agency in writing of the exceedance within seven days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days of the determination, as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short-term actions taken and planned;

3) Determine to the extent practicable the location, size, and cause of any leak;

4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed;

5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3) through (b)(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

c) To make the leak or remediation determinations in subsections (b)(3) through (b)(5), the owner or operator must do either of the following:

1) Perform the following assessments:

A) Assess the source of liquids and amounts of liquids by source;

B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

2) Document why such assessments are not needed.

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.325 Waste Analysis and Trial Tests

In addition to the waste analyses required by Section 725.113, whenever a surface impoundment is to be used for either of the purposes in subsections (a) and (b), the owner or operator must, before treating the different waste or using the different process, perform either of the required actions listed in subsection (c):

a) Chemically treat a hazardous waste that is substantially different from waste previously treated in that impoundment; or

b) Chemically treat hazardous waste with a substantially different process than and previously used in that impoundment.

c) Required Actions

1) The owner or operator must conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or

2) The owner or operator must obtain written, documented information on similar treatment of similar waste under similar operating conditions, to show that this treatment will comply with Section 725.117(b).

BOARD NOTE: As required by Section 725.113, the waste analyses plan must include analyses needed to comply with Sections 725.329 and 725.330. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test, or the documented information in the operating record of the facility.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.326 Monitoring and Inspections

a) The owner or operator must inspect the following:

1) The freeboard level at least once each operating day to ensure compliance with Section 725.322; and

2) The surface impoundment, including dikes and vegetation surrounding the dike, at least once a week to detect any leaks, deterioration, or failures in the impoundment.

BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction the owner or operator finds.

b) LDS

1) An owner or operator required to have a LDS under Section 725.321(a) must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

2) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If

the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

3) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Agency based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump. The timing for submission and approval of the proposed "pump operating level" will be in accordance with Section 725.322(a).

c) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.328 Closure and Post-Closure Care

a) At closure, the owner or operator must do either of the following:

1) Remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste or leachate and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies; or

2) Close the impoundment and provide post-closure care for a landfill under Subpart G and Section 725.410, including the following:

A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

B) Stabilize remaining wastes to a bearing capacity sufficient to support final cover; and

C) Cover the surface impoundment with a final cover designed and constructed to do the following:

i) Provide long-term minimization of the migration of liquids through the closed impoundment;

ii) Function with minimum maintenance;

iii) Promote drainage and minimize erosion or abrasion of the cover;

iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

b) In addition to the requirements of Subpart G of this Part and Section 725.410, during the post-closure care period the owner or operator of a surface impoundment in which wastes, waste residues or contaminated materials remain after closure in accordance with subsection (a)(2) must:

1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;

2) Maintain and monitor the LDS in accordance with 35 Ill. Adm. Code 724.321(c)(2)(D) and (c)(3) and 725.326(b) and comply with all other applicable LDS requirements of this Part;

3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F of this Part; and

4) Prevent run-on and run-off from eroding or damaging the final cover.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.329 Special Requirements for Ignitable or Reactive Wastes

Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of 35 Ill. Adm. Code 728, and one of the following conditions is fulfilled:

a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the following conditions are true:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 725.117(b) is complied with; or

b) Management conditions.

1) The waste is managed in such a way that it is protected from any material or conditions that may cause it to ignite or react; and

2) The owner or operator obtains a certification from a qualified chemist or engineer that, to the best of the chemist's or engineer's knowledge and opinion, the design features or operating plans of the facility will prevent ignition or reaction; and

3) The certification and the basis for it are maintained at the facility; or

c) The surface impoundment is used solely for emergencies.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.330 Special Requirements for Incompatible Wastes

Incompatible wastes, or incompatible waste and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) must not be placed in the same surface impoundment, unless Section 725.117(b) is complied with.

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.331 Air Emission Standards

The owner or operator must manage all hazardous waste placed in a surface impoundment in accordance with the requirements of Subparts BB and CC of 35 Ill. Adm. Code 724.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART L: WASTE PILES

Section 725.350 Applicability

The regulations in this Subpart L apply to owners and operators of facilities that treat or store hazardous waste in piles, except as Section 725.101 provides otherwise. Alternatively, a pile of hazardous waste may be managed as a landfill under Subpart N.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.351 Protection from Wind

The owner or operator of a pile containing hazardous waste that could be subject to dispersal by wind must cover or otherwise manage the pile so that wind dispersal is controlled.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.352 Waste Analysis

a) In addition to the waste analyses required by Section 725.113, the owner or operator must analyze a representative sample of waste from each incoming movement before adding the waste to any existing pile unless either of the following conditions is fulfilled:

1) The only wastes the facility receives that are amenable to piling are compatible with each other, or

2) The waste received is compatible with the waste in the pile to which it is to be added.

b) The analysis conducted must be capable of differentiating between the types of hazardous waste the owner or operator places in piles, so that mixing of incompatible waste does not inadvertently occur. The analysis must include a visual comparison of color and texture.

BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.356 and 725.357. As required by Section 725.173, the owner or operator must place the results of this analysis in the operating record of the facility.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.353 Containment

If leachate or run-off from a pile is a hazardous waste, then control of the leachate or run-off must be accomplished by either of the following means:

a) Control by Pile Design, Construction, and Operation

1) The pile must be placed on an impermeable base that is compatible with the waste under the conditions of treatment or storage;

2) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm;

3) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm; and

4) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously to maintain design capacity of the system; or

b) Alternative Control

1) The pile must be protected from precipitation and run-on by some other means; and

2) No liquids or wastes containing free liquids may be placed in the pile.

BOARD NOTE: If collected leachate or run-off is discharged through a point source to waters of the United States, it is subject to the requirements of Section 12 of the Act.

(Source: Amended at 43 Ill. Reg. 6049, May 2, 2019)

Section 725.354 Design and Operating Requirements

The owner or operator of each new waste pile on which construction commences after January 29, 1992, each lateral expansion of a waste pile unit on which construction commences after July 29, 1992, and each such replacement of an existing waste pile unit that is to commence reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system above and between such liners and operate the leachate collection and removal systems, in accordance with 35 Ill. Adm. Code 724.351(c), unless exempted under 35 Ill. Adm. Code 724.351(d), (e) or (f); and must comply with the procedures of Section 725.321(b). "Construction commences" is as defined in 35 Ill. Adm. Code 720.110 under "existing facility". The owner or operator of each unit referred to in this Section must notify the Agency at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months after the receipt of such notice.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.355 Action Leakage Rates

a) The owner or operator of waste pile units subject to Section 725.354 must submit a proposed action leakage rate to the Agency when submitting the notice required under Section 725.354. Within 60 days after receipt of the notification, the Agency must either establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or it must extend the review period for up to 30 days. If no action is taken by the Agency before the original 60 or extended 90 day review period, the action leakage rate must be approved as proposed by the owner or operator.

b) The Agency must approve an action leakage rate for waste pile units subject to Section 725.354. The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding one

foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.), construction, operation, and location of the LDS; waste and leachate characteristics; the likelihood and amounts of other sources of liquids in the LDS; and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover, and creep of synthetic components of the system; overburden pressures; etc.).

c) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly flow rate from the monitoring data obtained under Section 725.360, to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly during the active life and closure period.

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.356 Special Requirements for Ignitable or Reactive Wastes

Ignitable or reactive waste must not be placed in a pile, unless the waste and pile meet all applicable requirements of 35 Ill. Adm. Code 728, and either of the following is true:

a) Both of the following are true of addition of the waste to an existing pile:

1) The addition results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) The addition complies with Section 725.117(b); or

b) The waste is managed in such a way that it is protected from any material or conditions that may cause it to ignite or react.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.357 Special Requirements for Incompatible Wastes

a) Incompatible wastes, or incompatible wastes and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) must not be placed in the same pile, unless Section 725.117(b) is complied with.

b) A pile of hazardous waste that is incompatible with any waste or other material stored nearby in other containers, 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 is to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents that could result from the contact or mixing of incompatible wastes or materials.

c) Hazardous waste must not be piled on the same area where incompatible wastes or materials were previously piled, unless that area has been decontaminated sufficiently to ensure compliance with Section 725.117(b).

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.358 Closure and Post-Closure Care

a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies; or

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment, as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, it must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (Section 725.410).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.359 Response Actions

a) The owner or operator of waste pile units subject to Section 725.354 must submit a response action plan to the Agency when submitting the proposed action leakage rate under Section 725.355. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b).

b) If the flow rate into the leak determination system exceeds the action leakage rate for any sump, the owner or operator must do the following:

1) Notify the Agency in writing of the exceedance within seven days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days after the determination as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short-term actions taken and planned;

3) Determine to the extent practicable the location, size, and cause of any leak;

4) Determine whether waste receipts should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed;

5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3) through (b)(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

c) To make the leak or remediation determinations in subsections (b)(3) through (b)(5), the owner or operator must do either of the following:

1) Perform the following assessments:

A) Assess the source of liquids and amounts of liquids by source;

B) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

2) Document why such assessments are not needed.

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.360 Monitoring and Inspections

An owner or operator required to have a LDS under Section 725.354 must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART M: LAND TREATMENT

Section 725.370 Applicability

The regulations in this Subpart M apply to owners and operators of hazardous waste land treatment facilities, except as Section 725.101 provides otherwise.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.372 General Operating Requirements

a) Hazardous waste must not be placed in or on a land treatment facility, unless the waste can be made less hazardous or non-hazardous by degradation, transformation, or immobilization processes occurring in or on the soil.

b) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portions of the unit during peak discharge from at least a 25-year storm.

c) The owner or operator must design, construct, operate, and maintain a run-off management system capable of collecting and controlling a water volume at least equivalent to a 24-hour, 25-year storm.

d) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

e) If the treatment zone contains particulate matter that may be subject to wind dispersal the owner or operator must manage the unit to control wind dispersal.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.373 Waste Analysis

In addition to the waste analyses required by Section 725.113, before placing a hazardous waste in or on a land treatment facility, the owner or operator must do each of the following:

a) Determine the concentrations in the waste of any substances that equal or exceed the maximum concentrations contained in 35 Ill. Adm. Code 721.124 that cause a waste to exhibit the toxicity characteristic;

b) For any waste listed in Subpart D of 35 Ill. Adm. Code 721, determine the concentrations of any substances that caused the waste to be listed as a hazardous waste; and

c) If food chain crops are grown, determine the concentrations in the waste of each of the following constituents: arsenic, cadmium, lead, and mercury, unless the owner or operator has written, documented data that show that the constituent is not present.

BOARD NOTE: 35 Ill. Adm. Code 721 specifies the substances for which a waste is listed as a hazardous waste. As required by Section 725.113 the waste analysis plan must include analyses needed to comply with Sections 725.381 and 725.382. As required by Section 725.173, the owner or operator must place the results from each waste analysis, or the documented information, in the operating record of the facility.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

Section 725.376 Food Chain Crops

a) This subsection (a) corresponds with 40 CFR 265.276(a), which required notification of activity before a date long past. This statement maintains structural consistency with the corresponding federal rules.

BOARD NOTE: Growing food chain crops at a facility that has never before been used for this purpose is a significant change in process under 35 Ill. Adm. Code 703.155. The owner or operator of such a land treatment facility that proposes to grow food chain crops after May 17, 1982 must have submitted a new or revised Part A permit application.

b) Limitation Relating to Arsenic, Lead, Mercury, and Other Constituents

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 either of the following is true of any arsenic, lead, mercury, or other constituents identified under Section 725.373(b):

A) They 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) They 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 subsection (b)(1) must be kept at the facility and must, at a minimum, fulfill the following conditions:

A) It must be based on tests for the specific waste and application rates being used at the facility; and

B) It must include descriptions of crop and soil characteristics, sample selection, criteria, sample size determination, analytical methods, and statistical procedures.

c) Limitation Relating to Cadmium. Food chain crops must not be grown on a land treatment facility receiving waste that contains cadmium unless all requirements of subsections (c)(1)(A) through (c)(1)(C) or all requirements of subsection (c)(2)(A) through (c)(2)(D) are met.

1) Cadmium Limitation for Crops for Human Consumption. Application of waste must comply with all of the following conditions:

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 kg/ha (0.45 lb/acre) 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 0.5 kg/ha (0.45 lb/acre).

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

i) Maximum Cumulative Application of Cadmium

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

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) Cadmium Limitation for Crops for Animal Feed. Application of waste must comply with all of the following conditions:

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 that 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 that may result from alternative land uses; and

D) Future property owners are notified by a stipulation in the land record or property deed that states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with subsection (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 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.378 Unsaturated Zone (Zone of Aeration) Monitoring

a) The owner or operator must have in writing, and must implement, an unsaturated zone monitoring plan that is designed to accomplish the following:

1) It must detect the vertical migration of hazardous waste and hazardous waste constituents under the active portion of the land treatment facility, and

2) It must provide information on the background concentrations of the hazardous waste and hazardous waste constituents in similar but untreated soil nearby. This background monitoring must be conducted before or in conjunction with the monitoring required under subsection (a)(1).

b) The unsaturated zone monitoring plan must include, at a minimum, both of the following:

1) Soil monitoring using soil cores, and

2) Soil-pore water monitoring using devices, such as lysimeters.

c) To comply with subsection (a)(1), the owner or operator must demonstrate in his unsaturated zone monitoring plan that ensures the following:

1) The depth at which soil and soil-pore water samples are to be taken is below the depth to which the waste is incorporated into the soil;

2) The number of soil and soil-pore water samples to be taken is based on the variability of the following:

A) The hazardous waste constituents (as identified in Section 725.373(a) and(b)) in the waste and in the soil, and

B) The soil types; and

3) The frequency and timing of soil and soil-pore water sampling is based on the frequency, time, and rate of waste application, proximity to ground water, and soil permeability.

d) The owner or operator must keep at the facility its unsaturated zone monitoring plan and the rationale used in developing this plan.

e) The owner or operator must analyze the soil and soil-pore water samples for the hazardous waste constituents that were found in the waste during the waste analysis under Section 725.373(a) and (b).

BOARD NOTE: As required by Section 725.173, the owner or operator must place all data and information developed under this Section in the operating record of the facility.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.379 Recordkeeping

The owner or operator must include hazardous waste application dates and rates in the operating record required under Section 725.173.

(Source: Amended at 7 Ill. Reg. 14034, effective October 12, 1983)

Section 725.380 Closure and Post-Closure Care

a) In the closure plan under Section 725.212 and the post-closure plan under Section 725.218 the owner or operator must address the following objectives and indicate how they will be achieved:

1) Control of the migration of hazardous waste and hazardous waste constituents from the treated area into the groundwater;

2) Control of the release of contaminated runoff from the facility into surface water;

3) Control of the release of airborne particulate contaminants caused by wind erosion; and

4) Compliance with Section 725.376 concerning the growth of food-chain crops.

b) The owner or operator must consider at least the following factors in addressing the closure and post-closure care objectives of subsection (a):

1) The type and amount of hazardous waste and hazardous waste constituents applied to the land treatment facility;

2) The mobility and the expected rate of migration of the hazardous waste and hazardous waste constituents;

3) The site location, topography, and surrounding land use with respect to the potential effects of pollutant migration (e.g., proximity to groundwater, surface water, and drinking water sources);

4) Climate, including amount, frequency, and pH of precipitation;

5) Geological and soil profiles and surface and subsurface hydrology of the site and soil characteristics, including cation exchange capacity, total organic carbon, and pH;

6) Unsaturated zone monitoring information obtained under Section 725.378; and

7) The type, concentration, and depth of migration of hazardous waste constituents in the soil, as compared to their background concentrations.

c) The owner or operator must consider at least the following methods in addressing the closure and post-closure care objectives of subsection (a):

1) Removal of contaminated soils;

2) Placement of a final cover, considering the following:

A) Functions of the cover (e.g., infiltration control, erosion and runoff control, and wind erosion control); and

B) Characteristics of the cover, including material, final surface contours, thickness, porosity and permeability, slope, length of run of slope, and type of vegetation on the cover; and

3) Monitoring of groundwater.

d) In addition to the requirements of Subpart G of this Part during the closure period the owner or operator of a land treatment facility must do the following:

1) It must continue unsaturated zone monitoring in a manner and frequency specified in the closure plan, except that soil pore liquid monitoring may be terminated 90 days after the last application of waste to the treatment zone;

2) It must maintain the run-on control system required under Section 725.372(b);

3) It must maintain the run-off management system required under Section 725.372(c); and

4) It must control wind dispersal of particulate matter that may be subject to wind dispersal.

e) For the purpose of complying with Section 725.215, when closure is completed the owner or operator may submit to the Agency certification both by the owner or operator and by an independent, qualified soil scientist, in lieu of a qualified Professional Engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

f) In addition to the requirements of Section 725.217, during the post-closure care period the owner or operator of a land treatment unit must fulfill the following requirements:

1) It must continue soil-core monitoring by collecting and analyzing samples in a manner and frequency specified in the post-closure plan;

2) It must restrict access to the unit as appropriate for its post-closure use;

3) It must assure that growth of food chain crops complies with Section 725.376; and

4) It must control wind dispersal of hazardous waste.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.381 Special Requirements for Ignitable or Reactive Wastes

The owner or operator must not apply ignitable or reactive waste to the treatment zone unless the waste and treatment zone meet all applicable requirements of 35 Ill. Adm. Code 728, and:

a) The waste is immediately incorporated into the soil so that the following conditions are fulfilled:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 724.117(b) is complied with; or

b) The waste is managed in such a way that it is protected from any material or conditions that may cause it to ignite or react.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.382 Special Requirements for Incompatible Wastes

Incompatible wastes or incompatible wastes and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) must not be placed in the same land treatment area unless Section 725.117(b) is complied with.

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

SUBPART N: LANDFILLS

Section 725.400 Applicability

The regulations in this Subpart N apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as Section 725.101 provides otherwise. A waste pile used as a disposal facility is a landfill and is governed by this Subpart N.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.401 Design Requirements

a) The owner or operator of each new landfill unit, each lateral expansion of a landfill unit, and each replacement of an existing landfill unit must install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal system, in accordance with 35 Ill. Adm. Code 724.401(c), unless exempted by 35 Ill. Adm. Code 724.401(d), (e) or (f).

b) The owner or operator of each unit referred to in subsection (a) must notify the Agency at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.

c) The owner or operator of any replacement landfill unit is exempt from subsection (a) if both of the following are true:

    1) The existing unit was constructed in compliance with the design standards of 35 Ill. Adm. Code 724.401(c), (d), and (e); and

        BOARD NOTE: The cited subsections implemented the design standards of sections 3004(o)(1)(A)(i) and (o)(5) of RCRA (42 USC 6924(o)(1)(A)(i) and (o)(5)).

    2) There is no reason to believe that the liner is not functioning as designed.

d) The Agency must not require a double liner as set forth in subsection (a) for any monofill, if the following conditions are fulfilled:

1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents that render the wastes hazardous for reasons other the toxicity characteristic in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

2) Alternative Demonstration

A) Liner and Location Requirements

i) The monofill has at least one liner for which there is no evidence that such liner is leaking;

ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110); and

iii) The monofill is in compliance with generally applicable groundwater monitoring requirements for facilities with RCRA permits; or

B) The owner or operator demonstrates to the Board that the monofill is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.

e) In the case of any unit in which the liner and leachate collection system have been installed pursuant to the requirements of subsection (a), and in good faith compliance with subsection (a) and with guidance documents governing liners and leachate collection systems under subsection (a), the Agency must not require a liner or leachate collection system that is different from that which was so installed pursuant to subsection (a) when issuing the first permit to such facility, except that the Agency is not precluded from requiring installation of a new liner when the Agency finds that any liner installed pursuant to the requirements of subsection (a) is leaking.

f) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

g) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24 hour, 25-year storm.

h) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

i) The owner or operator of a landfill containing hazardous waste that is subject to dispersal by wind must cover or otherwise manage the landfill so that wind dispersal of the hazardous waste is controlled.

BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.412, 725.413, and 725.414. As required by Section 725.173, the owner or operator must place the results of these analyses in the operating record of the facility.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.402 Action Leakage Rate

a) The owner or operator of landfill units subject to Section 725.401(a) must submit a proposed action leakage rate to the Agency when submitting the notice required under Section 725.401(b). Within 60 days after receipt of the notification, the Agency must establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the Agency before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator.

b) The Agency must approve an action leakage rate for landfill units subject to Section 725.401(a). The action leakage rate is the maximum design flow rate that the LDS can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material, etc.); construction, operation, and location of the LDS; waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS; and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover, and creep of synthetic components of the system; overburden pressures; etc.).

c) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under Section 725.404 to an average daily flow rate (gallons per acre per day) for each sump. The average daily flow rate for each sump must be calculated weekly

during the active life and closure period, and monthly during the post-closure care period unless the Agency approves a different period under Section 725.404(b).

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.403 Response Actions

a) The owner or operator of landfill units subject to Section 725.401(a) must develop and keep on site until closure of the facility a response action plan. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in subsection (b).

b) If the flow rate into the LDS exceeds the action leakage rate for any sump, the owner or operator must do each of the following:

1) Notify the Agency in writing of the exceedance within seven days after the determination;

2) Submit a preliminary written assessment to the Agency within 14 days after the determination, as to the amount of liquids; likely sources of liquids; possible location, size, and cause of any leaks; and short-term actions taken and planned;

3) Determine to the extent practicable the location, size, and cause of any leak;

4) Determine whether waste receipt should cease or be curtailed; whether any waste should be removed from the unit for inspection, repairs, or controls; and whether or not the unit should be closed;

5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Agency the results of the determinations specified in subsections (b)(3) through (b)(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the LDS exceeds the action leakage rate, the owner or operator must submit to the Agency a report summarizing the results of any remedial actions taken and actions planned.

c) To make the leak or remediation determinations in subsections (b)(3) through (b)(5), the owner or operator must do either of the following:

1) Perform the following assessments:

A) Assess the source of liquids and amounts of liquids by source;

B) Conduct a fingerprint, hazardous constituent or other analyses of the liquids in the LDS to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

2) Document why such assessments are not needed.

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.404 Monitoring and Inspections

a) An owner or operator required to have an LDS under Section 725.401(a) must record the amount of liquids removed from each LDS sump at least once each week during the active life and closure period.

b) After the final cover is installed, the amount of liquids removed from each LDS sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

c) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Agency based on pump activation level, sump dimensions and level that avoids backup into the drainage layer and minimizes head in the sump. The timing for submission and approval of the proposed "pump operating level" will be in accordance with Section 725.402(a).

d) Final Agency determinations pursuant to this Section are deemed to be permit denials for purposes of appeal to the Board pursuant to Section 40 of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.409 Surveying and Recordkeeping

The owner or operator of a landfill must maintain the following items in the operating record required in Section 725.173:

a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

b) The contents of each cell and the approximate location of each hazardous waste type within each cell.

Section 725.410 Closure and Post-Closure Care

a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to accomplish the following:

1) It must provide long-term minimization of migration of liquids through the closed landfill;

2) It must function with minimum maintenance;

3) It must promote drainage and minimize erosion or abrasion of the cover;

4) It must accommodate settling and subsidence so that the cover's integrity is maintained; and

5) It must have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

b) After final closure, the owner or operator must comply with all post-closure requirements contained in Section 725.217 through 725.220 including maintenance and monitoring throughout the post-closure care period. The owner or operator must do the following:

1) It must maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;

2) It must maintain and monitor the LDS in accordance with 35 Ill. Adm. Code 724.401(c)(3)(D) and (c)(4) and Section 725.404(b), and comply with all other applicable LDS requirements of this Part;

3) It must maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of Subpart F;

4) It must prevent run-on and run-off from eroding or otherwise damaging the final cover; and

5) It must protect and maintain surveyed benchmarks used in complying with Section 725.409.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.412 Special Requirements for Ignitable or Reactive Wastes

a) Except as provided in subsection (b) and in Section 725.416, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meets all applicable requirements of 35 Ill. Adm. Code 728, and the waste is treated, rendered or mixed before or immediately after placement in a landfill so that both of the following conditions are fulfilled:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123; and

2) Section 725.117(b) is complied with.

b) Except for prohibited wastes that remain subject to treatment standards in Subpart D of 35 Ill. Adm. Code 728, ignitable waste in containers may be landfilled without meeting the requirements of subsection (a), provided that the wastes are disposed of in such a way that they are protected from any material or conditions that may cause them to ignite. At a minimum, ignitable wastes must be disposed of in non-leaking containers that are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and must not be disposed in cells that contain or will contain other wastes that may generate heat sufficient to cause ignition of the waste.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.413 Special Requirements for Incompatible Wastes

Incompatible wastes or incompatible wastes and materials (see appendix V of 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) must not be placed in the same landfill cell, unless Section 725.117(b) is complied with.

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.414 Special Requirements for Liquid Wastes

a) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

b) Containers holding free liquids must not be placed in a landfill unless one of the following conditions is fulfilled:

1) One of the following occurs with regard to all free-standing liquid:

A) It has been removed by decanting or other methods;

B) It has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or

C) It has been otherwise eliminated;

2) The container is very small, such as an ampule;

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) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095B (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

d) This subsection (d) corresponds with 40 CFR 265.314(d), which recites a past effective date. This statement maintains structural parity with the federal regulations.

e) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are one of the following: materials listed or described in subsection (e)(1); materials that pass one of the

tests in subsection (e)(2); or materials that are determined by the Board to be nonbiodegradable through the adjusted standard procedure of Section 28.1 of the Act and Subpart D of 35 Ill. Adm. Code 104.

1) Nonbiodegradable sorbents are the following:

A) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites, calcium carbonate (organic free limestone), oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth, perlite (volcanic glass), expanded volcanic rock, volcanic ash, cement kiln dust, fly ash, rice hull ash, activated charcoal/activated carbon, etc.); or

B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene, and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

C) Mixtures of these nonbiodegradable materials.

2) Tests for Nonbiodegradable Sorbents

A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a) (Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi), incorporated by reference in 35 Ill. Adm. Code 720.111(a);

B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) (Standard Practice for Determining Resistance of Plastics to Bacteria), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

C) The sorbent material is determined to be non-biodegradable under OECD Guideline for Testing of Chemicals, Method 301B (CO_2 Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

f) The placement of any liquid that is not a hazardous waste in a landfill is prohibited. (See 35 Ill. Adm. Code 729.311.)

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.415 Special Requirements for Containers

Unless they are very small, such as an ampule, containers must be in either of the following conditions:

a) They must be at least 90 percent full when placed in the landfill; or

b) They must be crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

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 USDOT hazardous materials regulations (49 CFR 173 (Shippers—General Requirements for Shipments and Packages), 178 (Specifications for Packagings), and 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b)), if those regulations specify a particular inside container for the waste.

b) The inside containers must be overpacked in an open head USDOT-specification metal shipping container (49 CFR 178 (Specifications for Packagings) and 179 (Specifications for Tank Cars), of no more than 416 ℓ (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with 35 Ill. Adm. Code 725.414(e) to completely sorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and sorbent material.

c) The sorbent 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 subsections (a) through (d). Cyanide- or sulfide-bearing reactive waste may be packaged in accordance with subsections (a) through (d) without first being treated or rendered non-reactive.

f) Such disposal is in compliance with the requirements of 35 Ill. Adm. Code 728. Persons that incinerate lab packs according to the requirements of 35 Ill. Adm. Code 728.142(c)(1) may use fiber drums in place of metal outer containers. Such fiber drums must meet the USDOT specifications in 49 CFR 173.12 (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and be overpacked according to subsection (b).

g) Pursuant to 35 Ill. Adm. Code 729.312, the use of labpacks for disposal of liquid wastes or wastes containing free liquids allowed under this Section is restricted to labwaste and non-periodic waste, as those terms are defined in that Part.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART O: INCINERATORS

Section 725.440 Applicability

a) The regulations in this Subpart O apply to owners or operators of hazardous waste incinerators (as defined in 35 Ill. Adm. Code 720.110), except as 35 Ill. Adm. Code 724.101 provides otherwise.

b) Integration of the MACT Standards

1) Except as provided by subsections (b)(2) and (b)(3), the standards of this Part no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of subpart EEE of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with the requirements of subpart EEE of 40 CFR 63.

2) The MACT standards of subpart EEE of 40 CFR 63 do not replace the closure requirements of Section 724.451 or the applicable requirements of Subparts A through H, BB, and CC.

3) Section 725.445, generally prohibiting burning of hazardous waste during startup and shutdown, remains in effect if the owner or operator elects to

comply with 35 Ill. Adm. Code 703.320(b)(1)(A) to minimize emissions of toxic compounds from startup and shutdown.

BOARD NOTE: Operating conditions used to determine effective treatment of hazardous waste remain effective after the owner or operator demonstrates compliance with the standards of subpart EEE of 40 CFR 63. Sections 9.1 and 39.5 of the Environmental Protection Act make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards.

c) An owner or operator of an incinerator that burns hazardous waste is exempt from all of the requirements of this Subpart O, except Section 725.451 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 and such documentation is retained at the facility, if the waste to be burned is one of the following:

1) It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both;

2) It is listed as a hazardous waste in Subpart D of 35 Ill. Adm. Code 721, solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5), and will not be burned when other hazardous wastes are present in the combustion zone;

3) It is a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under Subpart C of 35 Ill. Adm. Code 721; or

4) It is a hazardous waste solely because it possesses the reactivity characteristics described by 35 Ill. Adm. Code 721.123 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7), or (a)(8) and will not be burned when other hazardous wastes are present in the combustion zone.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.441 Waste Analysis

In addition to the waste analyses required by Section 725.113, the owner or operator must sufficiently analyze any waste that he has not previously burned in his incinerator to enable him to establish steady state (normal) operating conditions (including waste and auxiliary fuel feed and air flow) and to determine the type of pollutants that might be emitted. At a minimum, the analysis must determine the following:

a) Heating value of the waste;

b) Halogen content and sulfur content in the waste; and

c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

BOARD NOTE: As required by Section 725.173, the owner or operator must place the results from each waste analysis or the documented information in the operating record of the facility.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.445 General Operating Requirements

During startup and shutdown of an incinerator, the owner or operator must not feed hazardous waste unless the incinerator is at steady state (normal) conditions of operation, including steady state operating temperature and airflow.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.447 Monitoring and Inspections

The owner or operator must conduct, as a minimum, the following monitoring and inspections when incinerating hazardous waste:

a) Existing instruments that relate to combustion and emission control must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state combustion conditions must be made immediately either automatically or by the operator. Instruments that relate to combustion and emission control would normally include those measuring waste feed, auxiliary fuel feed, air flow, incinerator temperature, scrubber flow, scrubber pH, and relevant level controls.

b) The complete incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills, and fugitive emissions and all emergency shutdown controls and system alarms must be checked to assure proper operation.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.451 Closure

At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including but not limited to ash, scrubber waters, and scrubber sludges) from the incinerator.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103(d), that the residue removed from his

incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 728.

(Source: Amended at 31 Ill. Reg. 1031, effective December 20, 2006)

Section 725.452 Interim Status Incinerators Burning Particular Hazardous Wastes

a) An owner or operator of an incinerator subject to this Subpart O may burn hazardous wastes numbers F020, F021, F022, F023, F026, or F027 if it receives a certification from the Agency that they can meet the performance standards to Subpart O of 35 Ill. Adm. Code 724 when it burns these wastes.

b) The following standards and procedures will be used in determining whether to certify an incinerator:

1) The owner or operator must submit an application to the Agency containing applicable information in 35 Ill. Adm. Code 703.125, 703.222, 703.223, 703.224, and 703.225 demonstrating that the incinerator can meet the performance standards in Subpart O of 35 Ill. Adm. Code 724 when they burn these wastes.

2) The Agency must issue a tentative decision as to whether the incinerator can meet the performance standards in Subpart O of 35 Ill. Adm. Code 724. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the county where the incinerator is located. The Agency must accept comment on the tentative decision for 60 days. The Agency also may hold a public hearing upon request or at its discretion.

3) After the close of the public comment period, the Agency must issue a decision whether or not to certify the incinerator.

4) Any person that participated may appeal the Agency's decision to the Board, pursuant to 35 Ill. Adm. Code 705.212.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART P: THERMAL TREATMENT

Section 725.470 Other Thermal Treatment

The regulations in this Subpart P apply to owners and operators of facilities that thermally treat hazardous waste in devices other than enclosed devices using controlled flame combustion except, as Section 725.101 provides otherwise. Thermal treatment in enclosed devices using controlled flame combustion is subject to the requirements of Subpart O if the unit is an

incinerator, and Subpart H of 35 Ill. Adm. Code 726, if the unit is a boiler or industrial furnace, as defined in 35 Ill. Adm. Code 720.110.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.473 General Operating Requirements

Before adding hazardous waste, the owner or operator must bring his thermal treatment process to steady state (normal) conditions of operation, including steady state operating temperature-using auxiliary fuel or other means, unless the process is a non-continuous (batch) thermal treatment process that requires a complete thermal cycle to treat a discrete quantity of hazardous waste.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.475 Waste Analysis

In addition to the waste analyses required by Section 725.113, the owner or operator must sufficiently analyze any waste that he has not previously treated in his thermal process to enable him to establish steady state (normal) or other appropriate (for a noncontinuous process) operating conditions (including waste and auxiliary fuel feed) and to determine the type of pollutants that might be emitted. At minimum, the analysis must determine the following:

a) Heating value of the waste;

b) Halogen content and sulfur content in the waste; and

c) Concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

BOARD NOTE: As required by Section 725.173, the owner or operator must place the results from each waste analysis or the documented information in the operating record of the facility.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.477 Monitoring and Inspections

The owner or operator must conduct, as a minimum, the following monitoring and inspections when thermally treating hazardous waste:

a) Existing instruments that relate to temperature and emission control (if an emission control device is present) must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions must be made immediately either automatically or by the operator. Instruments that relate to temperature and emission control would

normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature, and relevant process flow and level controls.

b) The stack plume (emissions), where present, must be observed visually at least hourly for normal appearance (color and opacity). The operator must immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.

c) The complete thermal treatment process and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.481 Closure

At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash) from the thermal treatment process or equipment.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that any solid waste removed from his thermal treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723, and 725.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.482 Open Burning; Waste Explosives

Open burning of hazardous waste is prohibited except for the open burning and detonation of waste explosives. Waste explosives include waste that has the potential to detonate and bulk military propellants that cannot safely be disposed of through other modes of treatment. Detonation is an explosion in which chemical transformation passes through the material faster than the speed of sound (0.33 kilometers/second at sea level). Owners or operators choosing to open burn or detonate waste explosives must do so in accordance with the following table and in a manner that does not threaten human health or the environment.

Pounds of Waste Explosives or Propellants	Minimum Distance From Open Burning or Detonation To the Property of Others
0 to 100	204 meters (670 feet)
101 to 1,000	380 meters (1,250 feet)
1,001 to 10,000	530 meters (1,730 feet)
10,001 to 30,000	690 meters (2,260 feet)

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.483 Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes

a) An owner or operator of a thermal treatment device subject to this Subpart P may burn hazardous waste numbers F020, F021, F022, F023, F026, or F027 if it receives a certification from the Agency that it can meet the performance standards of Subpart O of 35 Ill. Adm. Code 724 when it burns these wastes.

b) The following standards and procedures must be used in determining whether to certify a thermal treatment unit:

1) The owner or operator must submit an application to the Agency containing the applicable information in 35 Ill. Adm. Code 703.125, 703.222, 703.223, 703.224, and 703.225 demonstrating that the thermal treatment unit can meet the performance standard in Subpart O of 35 Ill. Adm. Code 724 when it burns these wastes.

2) The Agency must issue a tentative decision as to whether the thermal treatment unit can meet the performance standards in Subpart O of 35 Ill. Adm. Code 724. Notification of this tentative decision must be provided by newspaper advertisement and radio broadcast in the county where the thermal treatment device is located. The Agency must accept comment on the tentative decision for 60 days. The Agency also may hold a public hearing upon request or at its discretion.

3) After the close of the public comment period, the Agency must issue a decision whether or not to certify the thermal treatment unit.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

Section 725.500 Applicability

The regulations in this Subpart Q apply to owners and operators of facilities that treat hazardous waste by chemical, physical, or biological methods in other than tanks, surface impoundments, and land treatment facilities, except as Section 725.101 provides otherwise. Chemical, physical, and biological treatment of hazardous waste in tanks, surface impoundments and land treatment facilities must be conducted in accordance with Subparts J, K, and M, respectively.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.501 General Operating Requirements

a) Chemical, physical, or biological treatment of hazardous waste must comply with Section 725.117(b).

b) Hazardous waste or treatment reagents must not be placed in the treatment process or equipment if they could cause the treatment process or equipment to rupture, leak, corrode, or otherwise fail before the end of its intended life.

c) Where hazardous waste is continuously fed into a treatment process or equipment, the process or equipment must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or bypass system to a standby containment device).

BOARD NOTE: These systems are intended to be used in the event of a malfunction in the treatment process or equipment.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.502 Waste Analysis and Trial Tests

a) In addition to the waste analysis required by Section 725.113(b) applies whenever either of the following conditions exist:

1) A hazardous waste that is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment; or

2) A substantially different process from any previously used at the facility is to be used to chemically treat hazardous waste.

b) To show that this proposed treatment will meet all applicable requirements of Section 725.501(a) and (b), the owner or operator must, before treating the different waste or using the different process or equipment:

1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or

2) Obtain written, documented information on similar treatment of similar waste under similar operating conditions.

BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.505 and 725.506. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

(Source: Amended at 40 Ill. Reg. 11830, effective August 9, 2016)

Section 725.503 Inspections

The owner operator of a treatment facility must inspect the following, where present:

a) Discharge control and safety equipment (e.g., waste feed cutoff systems, bypass systems, drainage systems, and pressure relief systems) at least once each operating day to ensure that it is in good working order;

b) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the treatment process or equipment is being operated according to its design;

c) The construction materials of the treatment process or equipment at least weekly to detect corrosion or leaking of fixtures or seams; and

d) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction it finds.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.504 Closure

At closure, all hazardous waste and hazardous waste residues must be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from his treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

(Source: Amended at 19 Ill. Reg. 9566, effective June 27, 1995)

Section 725.505 Special Requirements for Ignitable or Reactive Wastes

Ignitable or reactive waste must not be placed in a treatment process or equipment unless either of the following conditions exists:

a) The waste is treated, rendered, or mixed before or immediately after placement in the treatment process or equipment so that both of the following conditions are fulfilled:

1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and

2) Section 725.117(b) is complied with; or

b) The waste is treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react.

(Source: Amended at 32 Ill. Reg. 12566, effective July 14, 2008)

Section 725.506 Special Requirements for Incompatible Wastes

a) An owner or operator must not place incompatible wastes or incompatible wastes and materials (see Appendix E to this Part for examples) in the same treatment process or equipment unless it complies with Section 725.117(b).

b) An owner or operator must not place hazardous waste in unwashed treatment equipment that previously held an incompatible waste or material, unless it complies with Section 725.117(b).

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART R: UNDERGROUND INJECTION

Section 725.530 Applicability

Except as Section 725.101 provides otherwise, the following apply:

a) The owner or operator of a facility that disposes of hazardous waste by underground injection is excluded from the requirements of Subparts G and H.

b) The requirements of this Subpart R apply to owners and operators of wells that are used to dispose of hazardous waste which are classified as Class I under 35 Ill. Adm. Code 704.106(a) and which are classified as Class IV under 35 Ill. Adm. Code 704.106(d).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART W: DRIP PADS

Section 725.540 Applicability

a) The requirements of this Subpart W apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation or surface water run-on to an associated collection system.

1) An “existing drip pad” is one that fulfills the following conditions:

A) It was constructed before December 6, 1990; or

B) It was one for which the owner or operator had a design and had entered into binding financial or other agreements for construction prior to December 6, 1990.

2) All other drip pads are "new drip pads".

3) The requirements of Section 725.543(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992, except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulation under Section 724.672(e) or (f).

c) The requirements of this subsection are not applicable to the management of infrequent and incidental drippage in storage yards provided that the owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

1) Clean up the drippage;

2) Document the clean-up of the drippage;

3) Retain documentation regarding the clean-up for three years; and

4) Manage the contaminated media in a manner consistent with State and federal regulations.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.541 Assessment of Existing Drip Pad Integrity

a) For each existing drip pad, the owner or operator must evaluate the drip pad and determine that it meets all of the requirements of this Subpart W, except the requirements for liners and leak detection systems of Section 725.543(b). The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and re-certified annually until all upgrades, repairs, or modifications necessary to achieve compliance with all the standards of Section 725.543 are

complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of Section 725.543, except the standards for liners and leak detection systems specified in Section 725.543(b).

b) The owner or operator must develop a written plan for upgrading, repairing and modifying the drip pad to meet the requirements of Section 725.543(b) and submit the plan to the Agency no later than two years before the date that all repairs, upgrades, and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of Section 725.543. The plan must be reviewed and certified by a qualified Professional Engineer.

c) Upon completion of all repairs and modifications, the owner or operator must submit to the Agency, the as-built drawings for the drip pad, together with a certification by a qualified Professional Engineer attesting that the drip pad conforms to the drawings.

d) If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of Section 725.543(m) or close the drip pad in accordance with Section 725.545.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.542 Design and Installation of New Drip Pads

Owners and operators of new drip pads must ensure that the pads are designed, installed and operated in accordance with one of the following:

a) All of the requirements of Sections 725.543 (except 725.543(a)(4)), 725.544, and 725.545; or

b) All of the requirements of Section 725.543 (except 725.543(b)), 725.544, and 725.545.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.543 Design and Operating Requirements

a) Drip pads must fulfill the following requirements:

1) It must not be constructed of earthen materials, wood, or asphalt, unless the asphalt is structurally supported;

2) It must be sloped to free-drain to the associated collection system treated wood drippage, rain, other waters, or solutions of drippage and water or other wastes;

3) It must have a curb or berm around the perimeter;

4) In addition, the drip pad must fulfill the following requirements:

A) It must have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to the existing drip pads and those drip pads for which the owner or operator elects to comply with Section 725.542(b) instead of Section 725.542(a).

B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated, and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this Section, except for in subsection (b).

5) It must be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, the stress of installation, and the stress of daily operations, e.g., variable and moving loads such as vehicle traffic, movement of wood, etc.

BOARD NOTE: In judging the structural integrity requirement of this subsection (a), the Agency should generally consider applicable standards established by professional organizations generally recognized by the industry, including ACI 318-83 (Building Code Requirements for Reinforced Concrete) or ASTM C 94-90 (Standard Specification for Ready-Mixed Concrete), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

b) If an owner or operator elects to comply with Section 725.542(a) instead of Section 725.542(b), the drip pad must have the following features:

1) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent

subsurface soil or groundwater or surface water at any time during the active life (including the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or groundwater or surface water during the active life of the facility. The liner must be constructed as follows:

A) It must be constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

B) It must be placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

C) It must be installed to cover all surrounding earth that could come in contact with the waste or leakage; and

2) A leakage detection system immediately above the liner that is designed, constructed, maintained, and operated to detect leakage from the drip pad. The leakage detection system must be constructed as follows:

A) It must be constructed of materials that fulfill the following requirements:

i) They are chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and

ii) They are of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad; and

B) It must be designed and operated to function without clogging through the scheduled closure of the drip pad; and

C) It must be designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

3) A leakage collection system immediately above the liner that is designed, constructed, maintained, and operated to collect leakage from the drip pad

such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.

c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

BOARD NOTE: See subsection (m) for remedial action required if deterioration or leakage is detected.

d) The drip pad and associated collection system must be designed and operated to convey, drain and collect liquid resulting from drippage or precipitation in order to prevent run-off.

e) Unless the drip pad is protected by a structure, as described in Section 725.540(b), the owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a 24-hour, 25-year storm, unless the system has sufficient excess capacity to contain any run-on that might enter the system.

f) Unless the drip pad is protected by a structure or cover, as described in Section 725.540(b), the owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

g) The drip pad must be evaluated to determine that it meets the requirements of subsections (a) through (f). The owner or operator must obtain a statement from a qualified, Professional Engineer certifying that the drip pad design meets the requirements of this Section.

h) Drippage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

i) The drip pad surface must be cleaned thoroughly at least once every seven days using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning, with residues being properly managed, such that accumulated residues of hazardous waste or other materials are removed as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document, in the facility's operating log, the date and time of each cleaning and the cleaning procedure.

j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

k) After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the pad, in accordance with this Section, following treatment.

l) Collection and holding units associated with run-on and run-off control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

m) Throughout the active life of the drip pad, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

1) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator must perform the following acts:

A) It must enter a record of the discovery in the facility operating log;

B) It must immediately remove from service the portion of the drip pad affected by the condition;

C) It must determine what steps must be taken to repair the drip pad, clean up any leakage from below the drip pad, and establish a schedule for accomplishing the clean up and repairs;

D) Within 24 hours after discovery of the condition, the owner or operator must notify the Agency of the condition and, within 10 working days, provide written notice to the Agency with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.

2) The Agency must: review the information submitted; make a determination regarding whether the pad must be removed from service completely or partially until repairs and clean up are complete; and notify the owner or operator of the determination and the underlying rationale in writing.

3) Upon completing all repairs and clean up, the owner or operator must notify the Agency in writing and provide a certification, signed by an independent, qualified, registered professional engineer, that the repairs and clean up have been completed according to the written plan submitted in accordance with subsection (m)(1)(D).

n) The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices and a description of treated wood storage and handling practices.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.544 Inspections

a) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of Section 725.543 by a qualified Professional Engineer. This certification must be maintained at the facility as part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

b) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

1) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

2) The presence of leakage in and proper functioning of leak detection system.

3) Deterioration or cracking of the drip pad surface.

BOARD NOTE: See Section 725.543(m) for remedial action required if deterioration or leakage is detected.

(Source: Amended at 32 Ill. Reg. 12566, effective July 14, 2008)

Section 725.545 Closure

a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.),

contaminated subsoils, and structures and equipment contaminated with waste and leakage and manage them as hazardous waste.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practically removed or decontaminated. The operator must close the unit and perform post-closure care in accordance with closure and post-closure care requirements that apply to landfills (Section 725.410). For permitted units, the requirement to have a permit continues throughout the post-closure period.

c) Existing drip pads without liners.

1) The owner or operator of an existing drip pad that does not comply with the liner requirements of Section 725.543(b)(1) must do the following:

A) It must include in the closure plan for the drip pad under Section 725.212 both a plan for complying with subsection (a) of this Section and a contingent plan for complying with subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure; and

B) It must prepare a contingent post-closure plan under Section 725.218 for complying with subsection (b) of this Section in case not all contaminated subsoils can be practicably removed at closure.

2) The cost estimates calculated under Sections 725.212 and 725.244 for closure and post closure care of a drip pad subject to this subsection must include the cost of complying with the contingent closure plan and the contingent post closure plan, but are not required to include the cost of expected closure under subsection (a) of this Section.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.930 Applicability

a) This Subpart AA applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).

b) Except for Section 725.934(d) and (e), this Subpart AA applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent

extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in one of the following:

1) A unit that is subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705;

2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.117 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or

3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.117 (i.e., a "90-day" tank or container) and which is not a recycling unit under the requirements of 35 Ill. Adm. Code 721.106.

BOARD NOTE: The requirements of Sections 725.932 through 725.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 725.101(c) are not affected by these requirements.

c) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

d) The requirements of this Subpart AA do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this Subpart AA are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.931 Definitions

As used in this Subpart AA, all terms not defined in this Subpart AA have the meaning given them in 35 Ill. Adm. Code 724.931, section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728, and 738.

"BTU" means British thermal unit.

"ft" means foot.

"h" means hour.

"kg" means kilogram.

"kPa" means kilopascals.

"lb" means pound.

"m" means meter.

"Mg" means Megagrams, or metric tonnes.

"MJ" means Megajoules, or ten to the sixth Joules.

"MW" means Megawatts.

"ppmv" means parts per million by volume.

"ppmw" meant parts per million by weight.

"s" means second.

"scm" means standard cubic meter.

"scft" meant standard cubic foot.

"yr" means year.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.932 Standards: Process Vents

a) The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw must do either of the following:

1) Reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2) Reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

b) If the owner or operator installs a closed-vent system and control device to comply with the provisions of subsection (a), the closed-vent system and control device must meet the requirements of Section 725.933.

c) Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices must be based on either engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of Section 725.934(c).

d) When an owner or operator and the Agency do not agree on determinations of vent emissions or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the test methods in Section 725.934(c) must be used to resolve the disagreement.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.933 Standards: Closed-Vent Systems and Control Devices

a) Compliance Required

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part must comply with the provisions of this Section.

2) Implementation Schedule

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart AA on the effective date that the facility becomes subject to the provisions of this Subpart AA must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart AA for installation and startup.

B) Any unit that is subject to the provisions of this Subpart AA when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart AA must comply with all requirements of this Subpart AA as soon as practicable but no later

than 30 months after the effective date of the amendment. When control equipment required by this Subpart AA cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator must prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart AA. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart AA due to an action other than those described in subsection (a)(2)(iii) must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart AA; the 30-month implementation schedule does not apply).

b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 °C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

d) Flares

1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) except for periods not to exceed a total of five minutes during any two consecutive hours.

2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C).

3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2).

4) Exit Velocity

A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C).

B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3), less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.

5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5).

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance Determination and Equations

1) Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must be used to determine the compliance of a flare with the visible emission provisions of this Subpart AA. The observation period is two hours and must be used according to Reference Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H_T = K \times \sum_{i=1}^{n} C_i \times H_i$$

Where:

H_T = the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20 °C

K = 1.74×10^{-7} (1/ppm)(g mol/scm)(MJ/kcal) where the standard temperature for (g mol/scm) is 20 °C

ΣX_i = the sum of the values of X for each component i, from i=1 to n

C_i = the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) in appendix A to 40 CFR 60 (Test Methods), and for carbon monoxide, by ASTM D 1946-90 (Standard Practice for Analysis of Reformed Gas by Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111

H_i = the net heat of combustion of sample component i, kcal/gmol at 25 °C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88 (Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)), incorporated by reference in 35 Ill. Adm. Code 720.111(a), if published values are not available or cannot be calculated

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log_{10}\left(V_{max}\right) = \frac{H_T + 28.8}{31.7}$$

Where:

$\log_{10}$ = logarithm to the base 10
H_T = the net heating value as determined in subsection (e)(2)

5) The maximum allowed velocity in m/s, V, for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084\,H_T$$

Where:

H_T = the net heating value as determined in subsection (e)(2)

f) The owner or operator must monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation, as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5 °C, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet

and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5 °C, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

F) For a condenser, either of the following:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5 °C, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either of the following:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system, such as a carbon canister, that does not regenerate the carbon bed directly onsite in the control device must replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).

i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

j) A closed-vent system must meet either of the following design requirements:

1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 725.934(b), and by visual inspections; or

2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

k) The owner or operator must monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1) Each closed-vent system that is used to comply with subsection (j)(1) must be inspected and monitored in accordance with the following requirements:

A) An initial leak detection monitoring of the closed-vent system must be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator must monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

B) After initial leak detection monitoring required in subsection (k)(1)(A), the owner or operator must inspect and monitor the closed-vent system as follows:

i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator must monitor a component or connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

ii) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) must be monitored annually and at other times as requested by the Agency, except as provided for in subsection (n), using the procedures specified in Section 725.934(b) to demonstrate

that the components or connections operate with no detectable emissions.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect or leak in accordance with the requirements of subsection (k)(3).

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

2) Each closed-vent system that is used to comply with subsection (j)(2) must be inspected and monitored in accordance with the following requirements:

A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.

B) The owner or operator must perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year.

C) In the event that a defect or leak is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k)(3).

D) The owner or operator must maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

3) The owner or operator must repair all detected defects as follows:

A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C).

B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a

process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

D) The owner or operator must maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.

l) A closed-vent system or control device used to comply with provisions of this Subpart AA must be operated at all times when emissions may be vented to it.

m) The owner or operator using a carbon adsorption system to control air pollutant emissions must document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:

A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart X of 35 Ill. Adm. Code 724; or

B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subparts AA and CC or 35 Ill. Adm. Code 724; or

C) The unit is equipped with and operating air emission controls in accordance with a federal national emission standard for hazardous air pollutants under 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants) or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), each incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O of 35 Ill. Adm. Code 724; or

B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O.

3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:

A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726.

n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii) if both of the following conditions are fulfilled:

1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii); and

2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (k)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.934 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart AA must comply with the test methods and procedures requirements provided in this Section.

b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 725.933(k), the test must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be:

A) Zero air (less than 10 ppm of hydrocarbon in air).

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5) The background level must be determined as set forth in Reference Method 21.

6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible, as described in Reference Method 21.

7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

c) Performance tests to determine compliance with Section 725.932(a) and with the total organic compound concentration limit of Section 725.933(c) must comply with the following:

1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:

A) Reference Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for velocity and volumetric flow rate.

B) Reference Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography) or 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for organic content. If Reference Method 25A is used, the organic hazardous air pollutant (HAP) used as the calibration gas must be the single HAP that represents the largest percent by volume of the emissions. The use of Reference Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

D) Total organic mass flow rates must be determined by the following equation:

i) For a source utilizing Reference Method 18:

$$E_h = Q_{2sd} \times \left(\sum_{i=1}^{n} C_i \times MW_i \right) \times 0.0416 \times 10^{-6}$$

Where:

E_h = The total organic mass flow rate, kg/h
Q_{2sd} = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2
n = The number of organic compounds in the vent gas
C_i = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 18
MW_i = The molecular weight of organic compound i in the vent gas, kg/kg-mol
0.0416 = The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mm Hg
10^{-6} = The conversion factor from ppm

ii) For a source utilizing Reference Method 25A:

$$E_h = Q \times C \times MW \times 0.0416 \times 10^{-6}$$

Where:

E_h = The total organic mass flow rate, kg/h
Q = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Reference Method 2
C = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Reference Method 25A

MW = The molecular weight of propane, 44 kg/kg-mol
0.0416 = The conversion factor for molar volume, kg-mol/m^3, at 293 K and 760 mm Hg
10^{-6} = The conversion factor from ppm

E) The annual total organic emission rate must be determined by the following equation:

$A = F \times H$

Where:

A = total organic emission rate, kg/y
F = the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D)
H = the total annual hours of operation for the affected unit, h/y

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F, as determined in subsection (c)(1)(D)) and by summing the annual total organic mass emission rates (A, as determined in subsection (c)(1)(E)) for all affected process vents at the facility.

2) The owner or operator must record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility must provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1).

B) Safe sampling platforms.

C) Safe access to sampling platforms.

D) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three

runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart AA, the owner or operator must make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

A) The owner or operator must take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere, such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060A (Total Organic Carbon) of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111(a), or analyzed for its individual constituents.

D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include the following:

A) Production process information documenting that no organic compounds are used;

B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or

C) Prior speciation analysis results on the same wastestream where it is documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

1) By the effective date that the facility becomes subject to the provisions of this Subpart AA or by the date when the waste is first managed in a waste management unit, whichever is later;

2) For continuously generated waste, annually; and

3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the dispute may be resolved using direct measurement, as specified in subsection (d)(1).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.935 Recordkeeping Requirements

a) Compliance Required

1) Each owner or operator subject to the provisions of this Subpart AA must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart AA may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subpart AA.

2) Up-to-date documentation of compliance with the process vent standards in Section 725.932, including the following:

A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

B) Information and data supporting determination of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

3) Where an owner or operator chooses to use test date to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include the following:

A) A description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This must include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program.

B) A detailed engineering description of the closed-vent system and control device including the following:

i) Manufacturer's name and model number of control device;

ii) Type of control device;

iii) Dimensions of the control device;

iv) Capacity; and

v) Construction materials.

C) 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.

4) Documentation of compliance with Section 725.933 must include the following information:

A) A list of all information references and sources used in preparing the documentation;

B) Records, including the dates of each compliance test required by Section 725.933(j);

C) If engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions", USEPA publication number EPA-450/2-81-005, incorporated by reference

in 35 Ill. Adm. Code 720.111(a), or other engineering texts, approved by the Agency, that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with subsections (b)(4)(C)(i) through (b)(4)(C)(vii) may be used to comply with this requirement. The design analysis must address the vent stream characteristics and control device operation parameters as specified below.

i) For a thermal vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time.

ii) For a catalytic vapor incinerator, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average temperatures across the catalyst bed inlet and outlet.

iii) For a boiler or process heater, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also establish the design minimum and average flame zone temperatures, combustion zone residence time and description of method and location where the vent stream is introduced into the combustion zone.

iv) For a flare, the design analysis must consider the vent stream composition, constituent concentrations, and flow rate. The design analysis must also consider the requirements specified in Section 725.933(d).

v) For a condenser, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis must also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream and design average temperatures of the coolant fluid at the condenser inlet and outlet.

vi) For a carbon adsorption system, such as a fixed-bed adsorber that regenerates the carbon bed directly onsite in

the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time and design service life of carbon.

vii) For a carbon adsorption system, such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device, the design analysis must consider the vent stream composition, constituent concentrations, flow rate, relative humidity and temperature. The design analysis must also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule;

D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur;

E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of Section 725.932(a) is achieved at an efficiency less than 95 weight percent or the total organic emission limits of Section 725.932(a) for affected process vents at the facility are attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement; and

F) If performance tests are used to demonstrate compliance, all test results.

c) Design documentation and monitoring operating and inspection information for each closed-vent system and control device required to comply with the provisions of this Part must be recorded and kept up-to-date in the facility operating record. The information must include the following:

1) Description and date of each modification that is made to the closed-vent system or control device design;

2) Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with Section 725.933(f)(1) and (f)(2);

3) Monitoring, operating and inspection information required by Section 725.933(f) through (k);

4) Date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis, as specified below:

A) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760 C, any period when the combustion temperature is below 760 C.

B) For a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 percent or greater, any period when the combustion zone temperature is more than 28 °C below the design average combustion zone temperature established as a requirement of subsection (b)(4)(C)(i).

C) For a catalytic vapor incinerator, any period when either of the following occurs:

i) Temperature of the vent stream at the catalyst bed inlet is more than 28 C below the average temperature of the inlet vent stream established as a requirement of subsection (b)(4)(C)(ii); or

ii) Temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of subsection (b)(4)(C)(ii).

D) For a boiler or process heater, any period when either of the following occurs:

i) Flame zone temperature is more than 28 °C below the design average flame zone temperature established as a requirement of subsection (b)(4)(C)(iii); or

ii) Position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of subsection (b)(4)(C)(iii).

E) For a flare, period when the pilot flame is not ignited.

F) For a condenser that complies with Section 725.933(f)(2)(F)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of subsection (b)(4)(C)(v).

G) For a condenser that complies with Section 725.933(f)(2)(F)(ii), any period when either of the following occurs:

i) Temperature of the exhaust vent stream from the condenser is more than 6 °C above the design average exhaust vent stream temperature established as a requirement of subsection (b)(4)(C)(v); or

ii) Temperature of the coolant fluid exiting the condenser is more than 6 °C above the design average coolant fluid temperature at the condenser outlet established as a requirement of subsection (b)(4)(C)(v).

H) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 725.933(f)(2)(G)(i), any period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of subsection (b)(4)(C)(vi).

I) For a carbon adsorption system, such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device and which complies with Section 725.933(f)(2)(G)(ii), any period when the vent stream continues to flow through the control device beyond the predetermined carbon

bed regeneration time established as a requirement of subsection (b)(4)(C)(vi);

5) Explanation for each period recorded under subsection (c)(4) of the cause for control device operating parameter exceeding the design value and the measures implemented to correct the control device operation;

6) For carbon adsorption systems operated subject to requirements specified in Section 725.933(g) or (h)(2), any date when existing carbon in the control device is replaced with fresh carbon;

7) For carbon adsorption systems operated subject to requirements specified in Section 725.933(h)(1), a log that records:

A) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.

B) Date when existing carbon in the control device is replaced with fresh carbon;

8) Date of each control device startup and shutdown;

9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to Section 725.933(n) must record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of Section 725.933(n), an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component; and

10) When each leak is detected, as specified in Section 725.933(k), the following information must be recorded:

A) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number;

B) The date the leak was detected and the date of first attempt to repair the leak;

C) The date of successful repair of the leak;

D) Maximum instrument reading measured by Reference Method 21 (Determination of Volatile Organic Compound Leaks) of appendix

A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), after it is successfully repaired or determined to be nonrepairable; and

E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

d) Records of the monitoring, operating and inspection information required by subsections (c)(3) through (c)(10) must be maintained by the owner or operator for at least three years following the date of each occurrence, measurement, corrective action, or record.

e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in Section 725.932, including supporting documentation as required by Section 725.934(d)(2), when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used, must be recorded in a log that is kept in the facility operating record.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.950 Applicability

a) The regulations in this Subpart BB apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).

b) Except as provided in Section 725.964(k), this Subpart BB applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705;

2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.117 (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or

3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.117 (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

c) Each piece of equipment to which this Subpart BB applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

d) Equipment that is in vacuum service is excluded from the requirements of Sections 725.952 to 725.960, if it is identified as required in Section 725.964(g)(5).

e) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of Sections 725.952 through 725.960 if it is identified as required in Section 725.964(g)(6).

f) This subsection (f) corresponds with 40 CFR 265.1050(f), which relates exclusively to a facility outside Illinois. This statement maintains structural consistency with the corresponding federal regulations.

g) Purged coatings and solvents from surface coating operations subject to the federal national emission standards for hazardous air pollutants (NESHAPs) for the surface coating of automobiles and light-duty trucks at subpart IIII of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks) are not subject to the requirements of this Subpart BB.

BOARD NOTE: The requirements of Sections 725.952 through 725.964 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 725.101(e) are not affected by these requirements.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.951 Definitions

As used in this Subpart BB, all terms have the meaning given them in Section 725.931, section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728, and 738.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.952 Standards: Pumps in Light Liquid Service

a) Monitoring.

1) Each pump in light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b), except as provided in subsections (d), (e), and (f).

2) Each pump in light liquid service must be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

b) Leaks.

1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

2) If there are indications of liquids dripping from the pump seal, a leak is detected.

c) Repairs.

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than 5 calendar days after each leak is detected.

d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of subsection (a), provided the following requirements are met:

1) Each dual mechanical seal system must be as follows:

A) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressures;

B) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or

C) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to the atmosphere;

2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight;

3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both;

4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals;

5) Alarms.

A) Each sensor described in subsection (d)(3), must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.

B) The owner or operator must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both; and

6) Leaks.

A) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both, based on the criterion determined in subsection (d)(5)(B), a leak is detected.

B) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

C) A first attempt at repair (e.g., relapping the seal) must be made no later than five calendar days after each leak is detected.

e) Any pump that is designated, as described in Section 725.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a), (c), and (d), if the pump meets the following requirements:

1) Must have no externally actuated shaft penetrating the pump housing;

2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in Section 725.963(c); and

3) Must be tested for compliance with subsection (e)(2), initially upon designation, annually and at other times as specified by the Agency.

f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 725.960, it is exempt from the requirements of subsections (a) through (e).

(Source: Amended at 40 Ill. Reg. 11830, effective August 9, 2016)

Section 725.953 Standards: Compressors

a) Each compressor must be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in subsections (h) and (i).

b) The following must be true of each compressor seal system, as required in subsection (a):

1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure;

2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of Section 725.960; or

3) Equipped with a system that purges the barrier fluid into a hazardous wastestream with no detectable emissions to atmosphere.

c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

d) Each barrier fluid system, as described in subsections (a) through (c), must be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

e) Inspections

1) Each sensor, as required in subsection (d), must be checked daily or must be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly, unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2) The owner or operator must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under subsection (e)(2), a leak is detected.

g) Repairs

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

2) A first attempt at repair (e.g., tightening the packing gland) must be made no later than five calendar days after each leak is detected.

h) A compressor is exempt from the requirements of subsections (a) and (b) if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of Section 725.960, except as provided in subsection (i).

i) Any compressor that is designated, as described in Section 725.964(g)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsections (a) through (h) if the following is true of the compressor:

1) It is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 725.963(c).

2) It is tested for compliance with subsection (i)(1) initially upon designation, annually and other times as specified by the Agency pursuant to Section 725.950(e).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.954 Standards: Pressure Relief Devices in Gas/Vapor Service

a) Except during pressure releases, each pressure relief device in gas/vapor service must be operated with no detectable emissions, as indicated by an instrument

reading of less than 500 ppm above background as measured by the method specified in Section 725.963(c).

b) Actions Following Pressure Release

1) After each pressure release, the pressure relief device must be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in Section 725.959.

2) No later than five calendar days after the pressure release, the pressure relief device must be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 725.963(c).

c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 725.960 is exempt from the requirements of subsections (a) and (b).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.955 Standards: Sampling Connecting Systems

a) Each sampling connection system must be equipped with a closed-purge, closed-loop, or closed-vent system. This system must collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

b) Each closed-purge, closed-loop, or closed-vent system as required in subsection (a) must meet one of the following requirements:

1) Return the purged process fluid directly to the process line;

2) Collect and recycle the purged process fluid; or

3) Be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of Sections 725.985 through 725.987 or a control device that complies with the requirements of Section 725.960.

c) In-situ sampling systems and sampling systems without purges are exempt from the requirements of subsections (a) and (b).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.956 Standards: Open-Ended Valves or Lines

a) Equipment

1) Each open-ended valve or line must be equipped with a cap, blind flange, plug, or a second valve.

2) The cap, blind flange, plug, or second valve must seal the open end at all times except during operations requiring hazardous wastestream flow through the open-ended valve or line.

b) Each open-ended valve or line equipped with a second valve must be operated in a manner such that the valve on the hazardous wastestream end is closed before the second valve is closed.

c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but must comply with subsection (a) at all other times.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.957 Standards: Valves in Gas/Vapor or Light Liquid Service

a) Each valve in gas/vapor or light liquid service must be monitored monthly to detect leaks by the methods specified in Section 725.963(b) and must comply with subsections (b) through (e), except as provided in subsections (f), (g), and (h) and in Sections 725.961 and 725.962.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Monitoring Frequency

1) Any valve for which a leak is not detected for two successive months must be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.

2) If a leak is detected, the valve must be monitored monthly until a leak is not detected for two successive months,

d) Leak Repair

1) When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 725.959.

2) A first attempt at repair must be made no later than five calendar days after each leak is detected.

e) First attempts at repair include, but are not limited to the following best practices where practicable:

1) Tightening of bonnet bolts;

2) Replacement of bonnet bolts;

3) Tightening of packing gland nuts; or

4) Injection of lubricant into lubricated packing.

f) Any valve that is designated, as described in Section 725.964(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of subsection (a) if the valve fulfills the following requirements:

1) It has no external actuating mechanism in contact with the hazardous wastestream;

2) It is operated with emissions less than 500 ppm above background as determined by the method specified in Section 725.963(c); and

3) It is tested for compliance with subsection (f)(2) initially upon designation, annually, and at other times as specified by the Agency pursuant to Section 725.950(e).

g) Any valve that is designated, as described in Section 725.964(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of subsection (a), if the following conditions are fulfilled:

1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (a); and

2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

h) Any valve that is designated, as described in Section 725.964(h)(2), as a difficult-to-monitor valve is exempt from the requirements of subsection (a), if the following conditions are fulfilled:

1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;

2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and

3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.958 Standards: Pumps, Valves, Pressure Relief Devices, Flanges, and Other Connectors

a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors must be monitored within five days by the method specified in Section 725.963(b), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

c) Repairs

1) When a leak is detected, it must be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 725.959.

2) The first attempt at repair must be made no later than five calendar days after each leak is detected.

d) First attempts at repair include, but are not limited to, the best practices described under Section 725.957(e).

e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of subsection (a) and from the recordkeeping requirements of Section 725.964.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.959 Standards: Delay of Repair

a) Delay of repair of equipment for which leaks have been detected is allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment must occur before the end of the next hazardous waste management unit shutdown.

b) Delay of repair of equipment for which leaks have been detected is allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.

c) Delay of repair for valves is allowed if the following conditions are fulfilled:

1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair; and

2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 725.960.

d) Delay of repair for pumps is allowed if the following conditions are met:

1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system; and

2) Repair is completed as soon as practicable, but not later than six months after the leak was detected.

e) Delay of repair beyond a hazardous waste management unit shutdown is allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown is not allowed unless the next hazardous waste management unit shutdown occurs sooner than six months after the first hazardous waste management unit shutdown.

(Source: Amended at 29 Ill. Reg. 6389, effective April 22, 2005)

Section 725.960 Standards: Closed-Vent Systems and Control Devices

a) An owner or operator of a closed-vent system or control device subject to this Subpart BB must comply with the provisions of Section 725.933.

b) Implementation Schedule

1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart BB on the effective date that the facility becomes subject to the provisions of this Subpart BB must prepare an implementation schedule

that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart BB for installation and startup.

2) Any unit that is subject to the provisions of this Subpart BB when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart BB must comply with all requirements of this Subpart BB as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart BB cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator must prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart BB. The owner or operator must enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart BB due to an action other than those described in subsection (b)(3) must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart BB; the 30-month implementation schedule does not apply).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.961 Percent Leakage Alternative for Valves

a) An owner or operator subject to the requirements of Section 725.957 may elect to have all valves within a hazardous waste management unit comply with an alternative standard that allows no greater than two percent of the valves to leak.

b) The following requirements must be met if an owner or operator decides to comply with the alternative standard of allowing two percent of valves to leak:

1) A performance test as specified in subsection (c) must be conducted initially upon designation, annually and other times as specified by the Agency pursuant to Section 725.950(e); and

2) If a valve leak is detected it must be repaired in accordance with Section 725.957(d) and (e).

c) Performance tests must be conducted in the following manner:

1) All valves subject to the requirements in Section 725.957 within the hazardous waste management unit must be monitored within 1 week by the methods specified in Section 725.963(b);

2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected; and

3) The leak percentage must be determined by dividing the number of valves subject to the requirements in Section 725.957 for which leaks are detected by the total number of valves subject to the requirements in Section 725.957 within the hazardous waste management unit.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.962 Skip Period Alternative for Valves

a) An owner or operator subject to the requirements of Section 725.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (b)(3).

b) Reduced Monitoring

1) An owner or operator must comply with the requirements for valves, as described in Section 725.957, except as described in subsections (b)(2) and (b)(3).

2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 725.957.

3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 725.957.

4) If the percentage of valves leaking is greater than two percent, the owner or operator must monitor monthly in compliance with the requirements in Section 725.957, but may again elect to use this Section after meeting the requirements of Section 725.957(c)(1).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.963 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart BB must comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 725.952 through 725.962, must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 (Determination of Volatile Organic Compound Leaks) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

2) The detection instrument must meet the performance criteria of Reference Method 21;

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21;

4) Calibration gases must be as follows:

A) Zero air (less than 10 ppm of hydrocarbon in air);

B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane; and

5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

c) When equipment is tested for compliance with no detectable emissions, as required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f), the test must comply with the following requirements:

1) The requirements of subsections (b)(1) through (b)(4) apply;

2) The background level must be determined as set forth in Reference Method 21;

3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21; and

4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

d) In accordance with the waste analysis plan required by Section 725.113(b), an owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

1) Methods described in ASTM Methods D 2267-88 (Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography), E 168-88 (Standard Practices for General Techniques of Infrared Quantitative Analysis), E 169-87 (Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis), or E 260-85 (Standard Practice for Packed Column Gas Chromatography), each incorporated by reference in 35 Ill. Adm. Code 720.111(a);

2) Method 9060A (Total Organic Carbon) of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), or analyzed for its individual organic constituents; or

3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2).

f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at

least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) must be used to resolve the dispute.

g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a).

i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 725.934(c)(1) through (c)(4).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.964 Recordkeeping Requirements

a) Lumping Units

1) Each owner or operator subject to the provisions of this Subpart BB must comply with the recordkeeping requirements of this Section.

2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart BB may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

b) Owners and operators must record the following information in the facility operating record:

1) For each piece of equipment to which this Subpart BB applies, the following:

A) Equipment identification number and hazardous waste management unit identification;

B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

C) Type of equipment (e.g., a pump or pipeline valve);

D) Percent-by-weight total organics in the hazardous wastestream at the equipment;

E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and

F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals");

2) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule, as specified in that Section;

3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan, as specified in Section 725.935(b)(3); and

4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).

c) When each leak is detected, as specified in Section 725.952, 725.953, 725.957, or 725.958, the following requirements apply:

1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment;

2) The identification on equipment except on a valve, may be removed after it has been repaired; and

3) The identification on a valve may be removed after it has been monitored for two successive months as specified in Section 725.957(c) and no leak has been detected during those two months.

d) When each leak is detected, as specified in Sections 725.952, 725.953, 725.957, or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:

1) The instrument and operator identification numbers and the equipment identification number;

2) The date evidence of a potential leak was found in accordance with Section 725.958(a);

3) The date the leak was detected and the dates of each attempt to repair the leak;

4) Repair methods applied in each attempt to repair the leak;

5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm;

6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak;

7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c);

8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown;

9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days; and

10) The date of successful repair of the leak.

e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).

f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

g) The following information pertaining to all equipment subject to the requirements in Sections 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart BB.

2) List of Equipment

A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 725.952(e), 725.953(i), and 725.957(f).

B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i), or 725.957(f) must be signed by the owner or operator.

3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).

4) Compliance Tests

A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).

B) The background level measured during each compliance test.

C) The maximum instrument reading measured at the equipment during each compliance test.

5) A list of identification numbers for equipment in vacuum service.

6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per year.

h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve; and

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:

1) A schedule of monitoring; and

2) The percent of valves found leaking during each monitoring period.

j) The following information must be recorded in a log that is kept in the facility operating record:

1) Criteria required in Sections 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria; and

2) Any changes to these criteria and the reasons for the changes.

k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions, as provided in Section 725.950 and other specific Subparts:

1) An analysis determining the design capacity of the hazardous waste management unit;

2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Sections 725.952 through 725.960 and an analysis determining whether these hazardous wastes are heavy liquids; and

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation, as required by Section 725.963(d)(3), when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

l) Records of the equipment leak information required by subsection (d) and the operating information required by subsection (e) need be kept only three years.

m) The owner or operator of any facility with equipment that is subject to this Subpart and to federal regulations at 40 CFR 60, 61, or 63 may elect to determine compliance with this Subpart BB by documentation of compliance either pursuant to Section 725.964 or by documentation of compliance with the regulations at 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), pursuant to the relevant provisions of 40 CFR 60, 61, or 63, each incorporated by reference in 35 Ill. Adm. Code 720.111(b). The documentation of compliance under the

regulation at 40 CFR 60, 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

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

Section 725.980 Applicability

a) The requirements of this Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to Subpart I, J, or K, except as Section 725.101 and subsection (b) provide otherwise.

b) The requirements of this Subpart CC do not apply to the following waste management units at the facility:

1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste was added to the unit on or after December 6, 1996;

2) A container that has a design capacity less than or equal to 0.1 m^3 (3.5 ft^3 or 26.4 gal);

3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;

4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;

5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required pursuant to the Act or Board regulations or pursuant to the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar federal or State authorities;

6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations pursuant to the authority of the Atomic Energy Act of 1954 (42 USC 2011 et seq.) and the Nuclear Waste Policy Act of 1982 (42 USC 10101 et seq.);

7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified pursuant to 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), or 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories). For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5); and

8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.

c) This subsection (c) corresponds with 40 CFR 265.1080(c), which requires incorporation of requirements of Subpart CC of 35 Ill. Adm. Code 724 into a permit issued prior to a date long past and compliance with this Subpart CC until the permit issues. This statement maintains structural consistency with the corresponding federal rules.

d) The requirements of this Subpart CC, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical;

2) The owner or operator prepares documentation, in accordance with Section 725.990(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1); and

3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2). The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.981 Definitions

As used in this Subpart CC, all terms not defined in this Section will have the meanings given to them in section 1004 of RCRA, incorporated by reference in 35 Ill. Adm. Code 720.111, and 35 Ill. Adm. Code 720 through 728.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment that can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

“External floating roof” means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

“Fixed roof” means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

“Floating membrane cover” means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

“Floating roof” means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

“Hard-piping” means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

“In light material service” means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20 C (1.2 inches H_2O at 68 F); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C (1.2 inches H_2O at 68°F) is equal to or greater than 20 percent by weight.

“Internal floating roof” means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

“Liquid-mounted seal” means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

“Malfunction” means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

“Maximum organic vapor pressure” means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart CC, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

“Metallic shoe seal” means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or

other mechanisms and that is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

> When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.
>
> BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60 (Standards of Performance for New Stationary Sources), 61 (National Emission Standards for Hazardous Air Pollutants), and 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).
>
> When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device that functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart CC, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and

practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C (77 °F) must be included. Appendix F presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart CC. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095B (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

Section 725.982 Schedule for Implementation of Air Emission Standards

a) This subsection (a) corresponds with 40 CFR 265.1082(a), which required compliance before dates long past. This statement maintains structural consistency with the corresponding federal rules.

b) An owner or operator of a facility or unit in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to Subpart I, J, or K must meet the following requirements:

1) The owner or operator must install and begin operation of all control equipment required to comply with this Subpart CC and complete modifications of production or treatment processes to satisfy exemption criteria of Section 725.983(c) by the effective date of the amendment, except as provided in subsection (b)(2).

2) When control equipment or waste management units required to comply with this Subpart CC cannot be installed and begin operation or when modifications of production or treatment processes to satisfy the exemption criteria of Section 725.983(c) cannot be completed by the effective date of the amendment, the owner or operator must undertake the following actions:

A) Install and begin operation of the control equipment or waste management unit and complete modification of production or treatment processes as soon as possible, but no later than 30 months after the effective date of the amendment; and

B) Maintenance of Implementation Schedule

i) For facilities subject to the recordkeeping requirements of Section 725.173, enter and maintain the implementation schedule specified in subsection (a)(2)(B) in the operating record no later than the effective date of the amendment, or

ii) For facilities not subject to Section 725.173, the owner or operator must enter and maintain the implementation schedule specified in subsection (a)(2)(B) in a permanent, readily available file located at the facility site no later than the effective date of the amendment.

c) The owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart CC due to an action other than those described in subsection (b) must comply with all applicable requirements immediately (i.e., the owner or operator must have control devices installed and operating on the date

the facility or unit becomes subject to the requirements of this Subpart CC; the 30-month implementation schedule does not apply to the owner or operator of such a facility).

d) This subsection (d) corresponds with 40 CFR 265.1082(d), which allowed extension of a long-past compliance date. This statement maintains structural consistency with the federal rule.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.983 Standards: General

a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart CC.

b) The owner or operator must control air pollutant emissions from each hazardous waste management unit in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the hazardous waste management unit, except as provided for in subsection (c).

c) A tank, surface impoundment, or container is exempted from standards specified in Sections 725.985 through 725.988, provided that all hazardous waste placed in the waste management unit is one of the following:

1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a). The owner or operator must review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit;

2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_t) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b);

B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b);

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b);

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 725.984(b); and

ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b);

E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in

accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit;

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere;

BOARD NOTE: The USEPA considers a drain system that meets the requirements of federal subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems) to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b);

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination must be determined using the procedures specified in Sections 725.984(b) and 725.984(a), respectively;

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart O of 35 Ill. Adm. Code 724; or

ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of Subpart O;

H) A boiler or industrial furnace for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of Subpart H of 35 Ill. Adm. Code 726; or

ii) The owner or operator has designed and operates the industrial furnace or incinerator in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726; and

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F), the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i) If Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), is used for the analysis, one-half the blank value determined in the method at Section 4.4 of Reference Method 25D or a value of 25 ppmw, whichever is less; and

ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 °C;

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D);

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following two conditions:

A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in Table T to 35 Ill. Adm. Code 728; or

B) The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b); or

5) A tank used for bulk feed of hazardous waste to a waste incinerator, and all of the following conditions are met:

A) The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under federal subpart FF of 40 CFR 61 (National Emission Standards for Benzene Waste Operations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section

725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b);

2) In performing a waste determination pursuant to subsection (d)(1), the sample preparation and analysis must be conducted as follows:

A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B); and

B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method;

3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis;

4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) must be used to establish compliance with the requirements of this Subpart CC; and

5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart CC by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period, as follows:

A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a);

B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw must constitute noncompliance with this Subpart CC, except in a case as provided for in subsection (d)(5)(C); and

C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart CC.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.984 Waste Determination Procedures

a) Determination of Volatile Organic (VO) Concentration at the Point of Waste Origination

1) An owner or operator must determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls. Thereafter, an owner or operator must make an initial determination of the average VO concentration of the waste stream for each averaging period that a hazardous waste is managed in the unit.

B) An owner or operator must perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limits specified in Section 725.983(c)(1).

2) For a waste determination that is required by subsection (a)(1), the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3), or by knowledge of the waste, as specified in subsection (a)(4).

3) Direct Measurement

A) Identification. The owner or operator must identify and record the point of waste origination for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample

collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in Reference Method 25D (Determination of the Volatile Organic Concentration of Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D in appendix A to 40 CFR 60 for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25°C (77°F). At the owner's or operator's discretion, the owner or operator may adjust test data measured by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25°C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25°C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m_3) at 25°C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63 (Alternative Validation Procedure for EPA Waste and Wastewater Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations

i) The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted in accordance with subsections (a)(3)(B) and (a)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} \times \sum_{i=1}^{n} (Q_i \times C_i)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw

i = Individual waste determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of the hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determination "i", as determined in accordance with subsection (a)(3)(C) (i.e., the average of the four or more samples

specified in subsection (a)(3)(B)(ii)), in ppmw

ii) For the purpose of determining C_i, for individual waste samples analyzed in accordance with subsection (a)(3)(C), the owner or operator must account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G).

E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C), the Agency must determine compliance based on the test method used by the owner or operator as recorded under Section 725.990(f)(1).

F) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(F)(i) and (a)(3)(F)(ii) are derived from 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1), and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Reference Method 25D is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Reference Method 25D.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be

expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25 C (77 F).

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Use of Owner or Operator Knowledge

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator must document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Reference Method 25D. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3), must be used to establish compliance with the applicable requirements of this

Subpart CC. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of subsection (a)(3)(C).

b) Determination of VO Concentration at the Point of Waste Treatment

1) An owner or operator must perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

A) An owner or operator must make an initial determination of the average VO concentration of the waste stream before the first time any portion of the material in the treated waste stream is placed in the waste management unit exempt under Section 725.983(c)(2), (c)(3), or (c)(4) from using air emission controls. Thereafter, an owner or operator must update the information used for the waste determination at least once every 12 months following the date of the initial waste determination.

B) An owner or operator must perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to such a level that the applicable treatment conditions specified in Section 725.983 (c)(2), (c)(3), or (c)(4) are not achieved.

2) The owner or operator must designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9).

3) Procedure for Determination of VO Concentration

A) Identification. The owner or operator must identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in such a manner that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative

sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer than four samples, must be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination must be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the process generating or treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected so that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sample collection and handling procedures for a total organic constituent concentration may be found in Reference Method 25D.

iv) Sufficient information, as specified in the "site sampling plan" required under subsection (a)(3)(B)(iii), must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

C) Analysis. Each collected sample must be prepared and analyzed in accordance with Reference Method 25D for the total concentration of volatile organic constituents or using one or more methods when the individual organic compound concentrations are identified and summed, and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25°C (77°F). When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(c)(2)(A) through (c)(2)(F) or Section 725.983(c)(2)(A) through (c)(2)(F) are met, then the waste samples must be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25 C. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 C contained in the waste. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the constituent-specific adjustment factor (f_{m25D}) approved in writing by the Agency. Other test methods may be used if they meet the requirements in subsection (a)(3)(C)(i) or (a)(3)(C)(ii) and provided the requirement is met to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25°C.

i) Any USEPA standard method that has been validated in accordance with appendix D to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

ii) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or 5.3, and the corresponding calculations in Section 6.1 or 6.3, of Method 301 in appendix A to 40 CFR 63, incorporated by reference in 35 Ill. Adm. Code 720.111(b). The data are acceptable if they meet the criteria specified in

Section 6.1.5 or 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

D) Calculations. The average VO concentration ($\overline{C}$) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) and the following equation:

$$\overline{C} = \frac{1}{Q_T} x \sum_{i=1}^{n} (Q_i x C_i)$$

Where:

$\overline{C}$ = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw

i = Individual determination "i" of the hazardous waste

n = Total number of waste determinations of the hazardous waste collected for the averaging period (not to exceed one year)

Q_i = Mass quantity of the hazardous waste stream represented by C_i, in kg/hr

Q_T = Total mass quantity of hazardous waste during the averaging period, in kg/hr

C_i = Measured VO concentration of waste determinations "i", as determined in accordance with the requirements of subsection (b)(3)(C) (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii)), in ppmw

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C), compliance must be determined based on the test method used by the owner or operator as recorded under Section 725.990(f)(1).

4) Procedure for Determination of Exit Concentration Limit (C_t)

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(4)(A), then the exit concentration limit (C_t) must be 500 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(4)(A), then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a). The exit concentration limit (C_t) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C_t = \frac{\sum_{x=1}^{m} (Q_x \times \bar{C}_x) + \sum_{y=1}^{n} (Q_y \times 500\text{ppmw})}{\sum_{x=1}^{m} Q_x + \sum_{y=1}^{n} Q_y}$$

Where:

C_t = Exit concentration limit for treated hazardous waste, in ppmw

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)

m = Total number of "x" hazardous waste streams treated by process

n = Total number of "y" hazardous waste streams treated by process

Q_x = Annual mass quantity of hazardous waste stream "x", in kg/yr

Q_y = Annual mass quantity of hazardous waste stream "y", in kg/yr

$\bar{C}_x$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

5) Procedure for Determination of Organic Reduction Efficiency (R)

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator must prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B), using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q_b) and the mass quantity of each hazardous waste stream exiting the process (Q_a) must be determined; and

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C_b) during the run must be determined in accordance with the requirements of subsection (a)(3). The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C_a) during the run must be determined in accordance with the requirements of subsection (b)(3).

D) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be calculated by using the results determined in accordance with subsection (b)(5)(C) and the following equations:

$$E_b = \frac{1}{10^6} \sum_{j=1}^{m} (Q_{bj} x \overline{C_{bj}})$$

$$E_a = \frac{1}{10^6} \sum_{j=1}^{m} (Q_{aj} x \overline{C_{aj}})$$

Where:

E_a = Waste volatile organic mass flow exiting the process, in kg/hr

E_b = Waste volatile organic mass flow entering the process, in kg/hr

m = Total number of runs (at least 3);

j = Individual run "j"

Q_{bj} = Mass quantity of hazardous waste entering the process during run "j", in kg/hr

Q_{aj} = Average mass quantity of waste exiting the process during run "j", in kg/hr

$\overline{C_{aj}}$ = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection (b)(3), in ppmw

$\overline{C_{bj}}$ = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection (a)(3), in ppmw

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(5)(D) and the following equation:

$$R = \frac{E_b - E_a}{E_b} x100\%$$

Where:

R = Organic reduction efficiency, in percent

E_b = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

6) Procedure for Determination of Organic Biodegradation Efficiency (R_{bio})

A) The fraction of organics biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

B) The organic biodegradation efficiency (R_{bio}) must be calculated by using the following equation:

$$R_{bio} = F_{bio} x 100\%$$

Where:

R_{bio} = Organic biodegradation efficiency, in percent
F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A)

7) Procedure for Determination of Required Organic Mass Removal Rate (RMR)

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a).

C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^{n} \left[V_y x k_y x \frac{(\overline{C}_y - 500ppmw)}{10^6} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr;
y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a)
n = Total number of "y" hazardous waste streams treated by process

V_y = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m^3/hr

k_y = Density of hazardous waste stream "y", in kg/m^3

$\overline{C}_y$ = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a), in ppmw

8) Procedure for Determination of Actual Organic Mass Removal Rate (MR)

A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) must be determined in accordance with the requirements of subsection (b)(5)(D).

C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) and the following equation:

$$MR = E_b - E_a$$

Where:

MR = Actual organic mass removal rate, in kg/hr

E_b = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

E_a = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr

9) Procedure for Determination of Actual Organic Mass Biodegradation Rate (MR_{bio})

A) The actual organic mass biodegradation rate (MR_{bio}) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E_b) must be determined in accordance with the requirements of subsection (b)(5)(D).

C) The fraction of organic biodegraded (F_{bio}) must be determined using the procedure specified in appendix C to 40 CFR 63 (Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

D) The actual organic mass biodegradation rate (MR_{bio}) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C), respectively, and the following equation:

$$MR_{bio} = E_b \times F_{bio}$$

Where:

MR_{bio} = Actual organic mass biodegradation rate, in kg/hr
E_b = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D), in kg/hr
F_{bio} = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C)

c) Procedure for Determination of VO in a Tank

1) An owner or operator must determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator must use either direct measurement, as specified in subsection (c)(3), or knowledge of the waste, as specified by subsection (c)(4), to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) Direct Measurement to Determine VO

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank. All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected so that a minimum loss of organics occurs throughout the sample

collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures may be found in Reference Method 25D.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

i) Reference Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

ii) Methods described in API publication 2517 (Evaporative Loss from External Floating-Roof Tanks), incorporated by reference in 35 Ill. Adm. Code 720.111(a);

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), incorporated by reference in 35 Ill. Adm. Code 720.111(a); or

v) Any other method approved by the Agency.

4) Use of Knowledge to Determine the Maximum Organic Vapor Pressure of the Hazardous Waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart CC is as follows:

1) The test must be conducted in accordance with the procedures specified in Reference Method 21 (Determination of Volatile Organic Compound

Leaks) of appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to, any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.

2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.

3) The detection instrument must meet the performance criteria of Reference Method 21, except the instrument response factor criteria in Section 3.1.2(a) of Reference Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

5) Calibration gases must be as follows:

   A) Zero air (less than 10 ppmv hydrocarbon in air), and

   B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6) The background level must be determined according to the procedures in Reference Method 21.

7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Reference Method 21. If the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. If the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.

8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9). If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 44 Ill. Reg. 15374, effective September 3, 2020)

Section 725.985 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.

b) The owner or operator must control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the owner or operator must control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) or the Tank Level 2 controls specified in subsection (d).

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:

i) For a tank design capacity equal to or greater than 151 m^3 (5333 ft^3 or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mm Hg);

ii) For a tank design capacity equal to or greater than 75 m^3 (2649 ft^3 or 19,810 gal) but less than 151 m^3 (5333 ft^3 or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mm Hg); or

iii) For a tank design capacity less than 75 m^3 (2649 ft^3 or 19,810 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mm Hg).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A).

C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.981.

2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C), the owner or operator must control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d). Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A).

c) An owner or operator controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4):

1) The owner or operator must determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator must perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A), as applicable to the tank.

2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous

waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

C) Either of the following must be true of each opening in the fixed roof and of any manifold system associated with the fixed roof must be either:

i) The opening or manifold system is equipped with a closure device designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii) The opening or manifold system is connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

E) The control device operated pursuant to subsection (c)(2)(C) needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection

(c)(2)(E)(ii), venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 265.985(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the tank internal pressure is within the internal

pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator must inspect the air emission control equipment in accordance with the following requirements:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator must perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year, except under the special conditions provided for in subsection (l).

C) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k).

D) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) An owner or operator controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e);

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f);

3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g);

4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h); or

5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i).

e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof must meet the requirements specified in subsections (e)(1) through (e)(3).

1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or

ii) Two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal.

C) The internal floating roof must meet the following specifications:

i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface;

ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains;

iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening;

iv) Each automatic bleeder vent and rim space vent must be gasketed;

v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover; and

vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

2) The owner or operator must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical;

B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports; and

C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.

3) The owner or operator must inspect the internal floating roof in accordance with the procedures specified as follows:

A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area;

B) The owner or operator must inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C):

i) Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and

ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years;

C) As an alternative to performing the inspections specified in subsection (e)(3)(B) for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years;

D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C), the owner or operator must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator must notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii); and

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional

Administrator at least seven calendar days before refilling the tank;

E) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k); and

F) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3).

1) The owner or operator must design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports;

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm^2) per meter (10.0 in^2 per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters (24 inches) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2

cm^2 per meter (1.0 in^2 per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch); and

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface;

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid;

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position;

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket;

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening;

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal;

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole;

viii) Each slotted guide pole must be equipped with a gasketed float or other device that closes off the liquid surface from the atmosphere; and

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator must operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical;

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access;

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position;

D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports;

E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting;

F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank;

G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access; and

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

3) The owner or operator must inspect the external floating roof in accordance with the procedures specified as follows:

A) The owner or operator must measure the external floating roof seal gaps in accordance with the following requirements:

i) The owner or operator must perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years;

ii) The owner or operator must perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year;

iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii);

iv) The owner or operator must determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(3)(D);

v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B), the owner or operator must repair the defect in accordance with the requirements of subsection (k); and

vi) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b);

B) The owner or operator must visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

ii) The owner or operator must perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (l);

iii) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k); and

iv) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b);

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the owner or operator must notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator must notify the Agency of the date and location of the inspection as follows:

i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A), written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed;

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii); and

iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator must notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank;

D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv):

i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports;

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (¼-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location;

iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance; and

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B); and

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device must meet the requirements specified in subsections (g)(1) through (g)(3).

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank;

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions;

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed; and

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch

to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank; and

ii) To remove accumulated sludge or other residues from the bottom of a tank; and

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator must inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988;

C) The owner or operator must perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (l);

D) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (k); and

E) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity;

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d); and

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed-vent system that does not vent to the atmosphere, except under either of the following two conditions:

A) The tank does not need to be operated as a closed-vent system at those times when the opening of a safety device, as defined in Section 725.981, is required to avoid an unsafe condition; and

B) The tank does not need to be operated as a closed-vent system at those times when the purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of Section 725.988.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (i)(1) through (i)(4).

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator must perform the verification procedure for the enclosure as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually;

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988;

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control

device used to comply with the requirements of subsections (i)(1) and (i)(2); and

4) The owner or operator must inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator must transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2), to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

2) The requirements of subsection (j)(1) do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination;

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2); and

C) The hazardous waste meets the requirements of Section 725.983(c)(4).

k) The owner or operator must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) as follows:

1) The owner or operator must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2); and

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally

managed in the tank. In this case, the owner or operator must repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

l) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and

B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart CC, as frequently as practicable during those times when a worker can safely access the cover; and

2) If a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 40 Ill. Reg. 11830, effective August 9, 2016)

Section 725.986 Standards: Surface Impoundments

a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 725.983(b) of this Subpart CC references the use of this Section for such air emission control.

b) The owner or operator must control air pollutant emissions from the surface impoundment by installing and operating either of the following:

1) A floating membrane cover in accordance with the provisions specified in subsection (c); or

2) A cover that is vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (d).

c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3).

1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:

A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid;

B) The cover must be fabricated from a synthetic membrane material that is either of the following:

i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or

ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) and chemical and physical properties that maintain the material integrity for the intended service life of the material;

C) The cover must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings;

D) Except as provided for in subsection (c)(1)(E), each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device;

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal; and

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure

devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly replace the cover and secure the closure device in the closed position, as applicable; or

ii) To remove accumulated sludge or other residues from the bottom of surface impoundment; and

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator must inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

B) The owner or operator must perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (g);

C) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (f); and

D) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device must meet the requirements specified in subsections (d)(1) through (d)(3).

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment;

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 725.984(d);

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical and which will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must

include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed; and

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device, except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment; or

ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment; and

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator must inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The surface impoundment cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets

on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988;

C) The owner or operator must perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator must perform the inspections at least once every year except for the special conditions provided for in subsection (g);

D) In the event that a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (f); and

E) The owner or operator must maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

e) The owner or operator must transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (e)(2), to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 725.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of subpart RR of 40 CFR 63 (National Emission Standards for Individual Drain Systems), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

2) The requirements of subsection (e)(1) do not apply when transferring a hazardous waste to the surface impoundment under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination;

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2); or

C) The hazardous waste meets the requirements of Section 725.983(c)(4).

f) The owner or operator must repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) as follows:

1) The owner or operator must make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2); and

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator must repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart CC, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and

2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart CC as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.987 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for air emission control.

b) General Requirements

1) The owner or operator must control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the following special provisions for waste stabilization processes specified in subsection (b)(2) apply to the container:

A) For a container having a design capacity greater than 0.1 m^3 (26 gal) and less than or equal to 0.46 m^3 (120 gal), the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c);

B) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is not in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c); and

C) For a container having a design capacity greater than 0.46 m^3 (120 gal) that is in light material service, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d).

2) When a container having a design capacity greater than 0.1 m^3 (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator must control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 Standards

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation, as specified in subsection (f);

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-

off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap); and

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container so that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator must install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation; and

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container;

or the shutdown of the process generating the material being added to the container, whichever condition occurs first;

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container); and

ii) If discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container

manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations; and

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

A) If a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (USEPA Form 8700-22), incorporated by reference in 35 Ill. Adm. Code 720.111(b), as required under Section 725.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (c)(4)(C);

B) If a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or

operator must repair the defect in accordance with the requirements of subsection (c)(4)(C); and

C) When a defect is detected in the container, cover, or closure devices, the owner or operator must make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator must maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m^3 (120 gal) or greater which do not meet applicable USDOT regulations, as specified in subsection (f), are not managing hazardous waste in light material service.

d) Container Level 2 Standards

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable USDOT regulations on packaging hazardous materials for transportation as specified in subsection (f);

B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g); and

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using Reference Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test) in appendix A to 40 CFR 60 (Test Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b), in accordance with the procedure specified in subsection (h).

2) Transfer of hazardous waste into or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a

submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator must install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container, as follows:

i) If the container is filled to the intended final level in one continuous operation, the owner or operator must promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation; and

ii) If discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first;

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container); and

ii) If discrete quantities or batches of material are removed from the container but the container does not meet the

conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator must promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator must promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;

D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established so that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations; and

E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 2 controls must inspect the containers and their covers and closure devices as follows:

A) If a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator must visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest, in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (USEPA Forms 8700-22 and 8700-22A and Their Instructions)), as required under Section 725.171. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C);

B) If a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator must visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator must repair the defect in accordance with the requirements of subsection (d)(4)(C); and

C) When a defect is detected in the container, cover, or closure devices, the owner or operator must make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 Standards

1) A container using Container Level 3 controls is one of the following:

   A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B); or

   B) A container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B).

2) The owner or operator must meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

   A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b). The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator must perform the verification procedure for the enclosure, as specified in Section 5.0 of "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually; and

   B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1).

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart CC must inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart CC must prepare and maintain the records specified in Section 725.990(d).

6) The transfer of hazardous waste into or out of a container using Container Level 3 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that USEPA considers to meet the requirements of this subsection (e)(6) include using any one of the following: the use of a submerged-fill pipe or other submerged-fill method to load liquids into the container; the use of a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or the use of a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A), containers must be used that meet the applicable USDOT regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified by USDOT in 49 CFR 178 (Specifications for Packaging), or 49 CFR 179 (Specifications for Tank Cars), each incorporated by reference in 35 Ill. Adm. Code 720.111(b);

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified by USDOT in subpart B of 49 CFR 107 (Exemptions), 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 49 CFR 173 (Shippers—General Requirements for Shipments and Packages), and 49 CFR 180 (Continuing Qualification and Maintenance of Packagings), each incorporated by reference in 35 Ill. Adm. Code 720.111(b);

3) For the purpose of complying with this Subpart CC, no exceptions to the federal 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4); and

4) For a lab pack that is managed in accordance with the USDOT requirements of 49 CFR 178 (Specifications for Packagings) for the purpose of complying with this Subpart CC, an owner or operator may comply with the exceptions for combination packagings specified by USDOT in 49 CFR 173.12(b) (Exceptions for Shipments of Waste Materials), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

g) To determine compliance with the no detectable organic emissions requirements of subsection (d)(1)(B), the procedure specified in Section 725.984(d) must be used.

1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.

2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.

h) The procedure for determining a container to be vapor-tight using Reference Method 27 for the purpose of complying with subsection (d)(1)(C) is as follows:

1) The test must be performed in accordance with Reference Method 27;

2) A pressure measurement device must be used that has a precision of ±2.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness; and

3) If the test results determined by Reference Method 27 indicate that the container sustains a pressure change less than or equal to 0.75 kPa (0.11 psig) within five minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 43 Ill. Reg. 634, effective December 6, 2018)

Section 725.988 Standards: Closed-Vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart CC.

b) The closed-vent system must meet the following requirements:

1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c);

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(j);

3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) or a seal or locking device as specified in subsection (b)(3)(B). For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with this subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator must visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position; and

4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(k).

c) The control device must meet the following requirements:

1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

B) An enclosed combustion device designed and operated in accordance with the requirements of Section 725.933(c); or

C) A flare designed and operated in accordance with the requirements of Section 725.933(d);

2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section must comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(G).

A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year.

B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) for control devices do not apply during periods of planned routine maintenance.

C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) for control devices do not apply during a control device system malfunction.

D) The owner or operator must demonstrate compliance with the requirements of subsection (c)(2)(A) (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, must not exceed 240 hours per year) by recording the information specified in Section 725.990(e)(1)(E).

E) The owner or operator must correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

F) The owner or operator must operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions;

3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the following requirements:

A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on

a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).

B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 725.933(m), regardless of the average volatile organic concentration of the carbon;

4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) must operate and maintain the control device in accordance with the requirements of Section 725.933(i);

5) The owner or operator must demonstrate that a control device achieves the performance requirements of subsection (c)(1) as follows:

A) An owner or operator must demonstrate using either a performance test, as specified in subsection (c)(5)(C), or a design analysis, as specified in subsection (c)(5)(D), the performance of each control device except for the following:

i) A flare;

ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

iv) A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates in accordance with the requirements of Subpart H of 35 Ill. Adm. Code 726; or

v) A boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of Subpart H of 35 Ill. Adm. Code 726;

B) An owner or operator must demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e);

C) For a performance test conducted to meet the requirements of subsection (c)(5)(A), the owner or operator must use the test

methods and procedures specified in Section 725.934(c)(1) through (c)(4);

D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A), the design analysis must meet the requirements specified in Section 725.935(b)(4)(C); and

E) The owner or operator must demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal;

6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C). The Agency may choose to have an authorized representative observe the performance test; and

7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.933(f)(2) and (k). The readings from each monitoring device required by Section 725.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.989 Inspection and Monitoring Requirements

a) The owner or operator must inspect and monitor air emission control equipment used to comply with this Subpart CC in accordance with the requirements specified in Sections 725.985 through 725.988.

b) The owner or operator must develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a). The owner or operator must incorporate this plan and schedule into the facility inspection plan required under Section 725.115.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.990 Recordkeeping Requirements

a) Each owner or operator of a facility subject to the requirements in this Subpart CC must record and maintain the information specified in subsections (b) through (j), as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j), records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) must be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in Sections 725.985 through 725.988, in accordance with the conditions specified in Section 725.980(d) or (b)(7), respectively.

b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 725.985 must prepare and maintain records for the tank that include the following information:

1) For each tank using air emission controls in accordance with the requirements of Section 725.985 of this Subpart CC, the owner or operator must record the following information:

A) A tank identification number (or other unique identification description as selected by the owner or operator); and

B) A record for each inspection required by Section 725.985 that includes the following information:

i) Date inspection was conducted; and

ii) For each defect detected during the inspection, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator must also record the reason for the delay and the date that completion of repair of the defect is expected; and

2) In addition to the information required by subsection (b)(1), the owner or operator must record the following information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) must prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the

tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results;

B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) must prepare and maintain documentation describing the floating roof design;

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) must prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank; and

ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) must prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 must prepare and maintain records for the surface impoundment that include the following information:

1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator);

2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c);

3) A record for each inspection required by Section 725.986 that includes the following information:

A) Date inspection was conducted; and

B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator must also record the reason for the delay and the date that completion of repair of the defect is expected; and

4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator must prepare and maintain the records specified in subsection (e).

d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 must prepare and maintain records that include the following information:

1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T— Criteria for and Verification of a Permanent or Temporary Total Enclosure" under appendix B to 40 CFR 52.741 (VOM Measurement Techniques for Capture Efficiency), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and

2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e).

e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 must prepare and maintain records that include the following information:

1) Documentation for the closed-vent system and control device that includes the following:

A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) or by performance tests as specified in subsection (e)(1)(C) when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur;

B) If a design analysis is used, then design documentation, as specified in Section 725.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications;

C) If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results;

D) Information as required by Section 725.935(c)(1) and (c)(2), as applicable;

E) An owner or operator must record, on a semiannual basis, the following information for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable:

i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods; and

ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet

the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance;

F) An owner or operator must record the following information for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable:

i) The occurrence and duration of each malfunction of the control device system;

ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning; and

iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation; and

G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).

f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) must prepare and maintain the following records, as applicable:

1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983 (c)(1) or 725.983(c)(2)(A) through (c)(2)(F), the owner or operator must record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator must record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 725.984; and

2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(G) or (c)(2)(H), the owner or operator must record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 725.985(l) or 725.986(g) must record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

h) The owner or operator of a facility that is subject to this Subpart CC and to the control device standards in federal subpart VV of 40 CFR 60 (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), or subpart V of 40 CFR 61 (National Emission Standard for Equipment Leaks (Fugitive Emission Sources), each incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart CC, or pursuant to the provisions of subpart VV of 40 CFR 60 or subpart V of 40 CFR 61, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions specified in Section 725.980(d), the owner or operator must record and maintain the following information:

1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1);

2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks; and

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container: a facility identification number for the container or group of containers; the purpose and placement of this container or group of containers in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers; and

3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) in the tanks or containers identified pursuant to subsection (i)(2) would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must include the following information:

A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides; and

B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart CC, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

j) For each hazardous waste management unit not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the provisions of Section 725.980(b)(7), the owner and operator must record and maintain the following information:

1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63; and

2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.991 Alternative Tank Emission Control Requirements (Repealed)

(Source: Repealed at 22 Ill. Reg. 369, effective December 16, 1997)

SUBPART DD: CONTAINMENT BUILDINGS

Section 725.1100 Applicability

The requirements of this Subpart DD apply to owners or operators that store or treat hazardous waste in units designed and operated under Section 725.1101. The owner or operator is not subject to the definition of land disposal in 35 Ill. Adm. Code 728.102 provided that the following is true of the unit:

a) It is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to any of the following causes:

1) Pressure gradients;

2) Settlement, compression, or uplift;

3) Physical contact with the hazardous wastes to which they are exposed;

4) Climatic conditions; or

5) The stresses of daily operation including the movement of heavy equipment within the unit and contact of such equipment with containment walls;

b) It has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel, wastes, and handling equipment within the unit;

c) If used to manage liquids, the unit has the following design features:

1) A primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;

2) A liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and

3) A secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak

detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest possible time, unless the unit has been granted a variance from the secondary containment system requirements under subsection 725.1101(b)(4);

d) It has controls sufficient to prevent fugitive dust emissions to meet the no visible emission standard in subsection 725.1101(c)(1)(D); and

e) It is designed and operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.

(Source: Amended at 32 Ill. Reg. 12566, effective July 14, 2008)

Section 725.1101 Design and Operating Standards

a) All containment buildings must comply with the following design and operating standards:

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run on) and to assure containment of managed wastes;

2) The floor and containment walls of the unit, including the secondary containment system if required under subsection (b), must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, or uplift, physical contact with the hazardous wastes to which they are exposed; climatic conditions; and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The containment building must meet the structural integrity requirements established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM). If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet the following criteria:

A) They provide an effective barrier against fugitive dust emissions under subsection (c)(1)(D); and

B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings;

3) Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail; and

4) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

b) For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include the following design features:

1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface).

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:

A) The primary barrier must be sloped to drain liquids to the associated collection system; and

B) Liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time.

3) A secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time.

A) The requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum, as follows:

i) It is constructed with a bottom slope of 1 percent or more; and

ii) It is constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a

thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more.

B) If treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building.

C) The secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of Section 725.293(e)(1). In addition, the containment building must meet the requirements of Section 725.293(b) and (c) to be an acceptable secondary containment system for a tank.)

c) An owner or operator of a containment building must do each of the following:

1) It must use controls and practice to ensure containment of the hazardous waste within the unit, and at a minimum do each of the following:

A) It must maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

B) It must maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

C) It must take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and

D) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see Reference Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares) in appendix A to 40 CFR 60 (Test

Methods), incorporated by reference in 35 Ill. Adm. Code 720.111(b)). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator, etc.) must be operated and maintained with sound air pollution control practices (see 40 CFR 60 for guidance). This state of no visible emissions must be maintained effectively at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit;

BOARD NOTE: At 40 CFR 264.1101(c)(1)(iv), USEPA cites "40 CFR part 60, subpart 292". At 57 Fed. Reg. 37217 (Aug. 18, 1992), USEPA repeats this citation in the preamble discussion of adoption of the rules. No such provision exists in the Code of Federal Regulations. While 40 CFR 60.292 of the federal regulations pertains to control of fugitive dust emissions, that provision is limited in its application to glass melting furnaces. The Board has chosen to use the general citation: "40 CFR 60".

2) It must obtain and keep on site a certification by a qualified Professional Engineer that the containment building design meets the requirements of subsections (a) through (c);

3) Throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures:

A) Upon detection of a condition that has led to a release of hazardous wastes (e.g., upon detection of leakage from the primary barrier) the owner or operator must do the following:

i) Enter a record of the discovery in the facility operating record;

ii) Immediately remove the portion of the containment building affected by the condition from service;

iii) Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and

iv) Within seven days after the discovery of the condition, notify the Agency in writing of the condition, and within 14 working days, provide a written notice to the Agency with

a description of the steps taken to repair the containment building, and the schedule for accomplishing the work;

B) The Agency must review the information submitted, make a determination in accordance with Section 34 of the Act, regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing; and

C) Upon completing all repairs and cleanup the owner and operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (c)(3)(A)(iv); and

4) At least once every seven days, the owner or operator must inspect and record in the facility's operating record data gathered from monitoring and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building, to detect signs of releases of hazardous waste.

d) For a containment building that contains areas both with and without secondary containment, the owner or operator must do the following:

1) Design and operate each area in accordance with the requirements enumerated in subsections (a) through (c);

2) Take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) Maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

e) Notwithstanding any other provision of this Subpart DD, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements, and where containment of managed wastes and liquids can be assured without a secondary containment system.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.1102 Closure and Post-Closure Care

a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Subparts G and H.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 725.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in Subparts G and H.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section 725.1200 Applicability

The requirements of this Subpart EE apply to owners or operators that store munitions and explosive hazardous wastes, except as Section 725.101 provides otherwise.

BOARD NOTE: Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (Subpart DD), tanks (Subpart J), or containers (Subpart I); see 35 Ill. Adm. Code 726.305 for storage of waste military munitions.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.1201 Design and Operating Standards

a) An owner or operator of a hazardous waste munitions and explosives storage unit must design and operate the unit with containment systems, controls, and monitoring that fulfill each of the following requirements:

1) The owner or operator minimizes the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous

decomposition products, or contaminated run-off to the soil, groundwater, surface water, and atmosphere;

2) The owner or operator provides a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;

3) For wastes stored outdoors, the owner or operator provides that the waste and containers will not be in standing precipitation;

4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or a vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and

5) The owner or operator provides monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

b) Hazardous waste munitions and explosives stored under this Subpart EE may be stored in one of the following:

1) Earth-Covered Magazines. The owner or operator of an earth-covered magazine must fulfill each of the following requirements:

A) The magazine is constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

B) The magazine is so designed and constructed that it fulfills each of the following requirements:

i) The magazine is of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

ii) The magazine provides working space for personnel and equipment in the unit; and

iii) The magazine can withstand movement activities that occur in the unit; and

C) The magazine is located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

2) Above-Ground Magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

3) Outdoor or Open Storage Areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

c) An owner or operator must store hazardous waste munitions and explosives in accordance with a Standard Operating Procedure that specifies procedures which ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section 725.114, the preparedness and prevention procedures of Subpart C, and the contingency plan and emergency procedures requirements of Subpart D, then the Standard Operating Procedure may be used to fulfill those requirements.

d) An owner or operator must package hazardous waste munitions and explosives to ensure safety in handling and storage.

e) An owner or operator must inventory hazardous waste munitions and explosives at least annually.

f) An owner or operator must inspect and monitor hazardous waste munitions and explosives and their storage units as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.1202 Closure and Post-Closure Care

a) At closure of a magazine or unit that stored hazardous waste under this Subpart EE, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in Subparts G and H, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a), the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see 35 Ill. Adm. Code 724.410).

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

Section 725.Appendix A Recordkeeping Instructions

See appendix I to 40 CFR 265 (Recordkeeping Instructions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

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

(Source: Repealed at 9 Ill. Reg. 11869, effective July 24, 1985)

Section 725.Appendix C USEPA Interim Primary Drinking Water Standards

See appendix III to 40 CFR 265 (EPA Interim Primary Drinking Water Standards), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.Appendix D Tests for Significance

See appendix IV to 40 CFR 265 (Tests for Significance), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.Appendix E Examples of Potentially Incompatible Wastes

See appendix V to 40 CFR 265 (Examples of Potentially Incompatible Waste), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3460, effective February 23, 2006)

Section 725.APPENDIX F Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

Compound name	CAS No.

Acetaldol	107-89-1
Acetamide	60-35-5
2-Acetylaminofluorene	53-96-3
3-Acetyl-5-hydroxypiperidine	
3-Acetylpiperidine	618-42-8
1-Acetyl-2-thiourea	591-08-2
Acrylamide	79-06-1
Acrylic acid	79-10-7
Adenine	73-24-5
Adipic acid	124-04-9
Adiponitrile	111-69-3
Alachlor	15972-60-8
Aldicarb	116-06-3
Ametryn	834-12-8
4-Aminobiphenyl	92-67-1
4-Aminopyridine	504-24-5
Aniline	62-53-3
o-Anisidine	90-04-0
Anthraquinone	84-65-1
Atrazine	1912-24-9
Benzenearsonic acid	98-05-5
Benzenesulfonic acid	98-11-3
Benzidine	92-87-5
Benzo(a)anthracene	56-55-3
Benzo(k)fluoranthene	207-08-9
Benzoic acid	65-85-0
Benzo(g,h,i)perylene	191-24-2
Benzo(a)pyrene	50-32-8
Benzyl alcohol	100-51-6
γ-BHC	58-89-9
Bis(2-ethylhexyl) phthalate	117-81-7
Bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile)	1689-84-5
Butyric acid	107-92-6
Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol (o-dihydroxybenzene)	120-80-9
Cellulose	9004-34-6
Cell wall	
Chlorhydrin (3-Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloroacetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0
Chlorobenzilate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
2-Chloroethane-1,1-diol	15873-56-0
4-Chlorophenol	106-48-9

Chlorophenol polymers (2-chlorophenol & 4-chlorophenol)	95-57-8 & 106-48-9
1-(o-Chlorophenyl)thiourea	5344-82-1
N-Chlorosuccinimide (1-chloropyrrolidine-2,5-dione)	128-09-6
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-9
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cresol (mixed isomers)	1319-77-3
4-Cumylphenol	27576-86
Cyanide	57-12-5
Diazinon	333-41-5
Dibenzo(a,h)anthracene	53-70-3
Dibutylphthalate	84-74-2
2,5-Dichloroaniline (N,N'-dichloroaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichlorophenol	333-41-5
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos (DDVP)	62-73-7
Diethanolamine	111-42-2
N,N-Diethylaniline	91-66-7
Diethylene glycol	111-46-6
Diethylene glycol dimethyl ether (dimethyl Carbitol)	111-96-6
Diethylene glycol monobutyl ether (butyl Carbitol)	112-34-5
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N'-Diethylhydrazine	1615-80-1
Diethyl(4-methylumbelliferyl)thionophosphate	299-45-6
Diethylphosphorothioate	126-75-0
N,N'-Diethylpropionamide	15299-99-7
Dimethoate	60-51-5
2,3-Dimethoxystrychnidin-10-one	357-57-3
4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-93-7
Dimethylcarbamoyl chloride	79-44-7
Dimethyldisulfide	624-92-0
Dimethylformamide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-71-0

Dimethylsulfoxide	67-68-5
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
mono-Ethanolamine	141-43-5
Ethyl carbamate (urethane)	51-79-6
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate (Cellosolve acetate)	111-15-9
Ethylene glycol monomethyl ether (methyl Cellosolve)	109-86-4
Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	96-45-7
4-Ethylmorpholine	100-74-3
3-Ethylphenol	620-17-7
Fluoroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	75-12-7
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycidol	556-52-5
Glycinamide	598-41-4
Glyphosate	1071-83-6
Guthion	86-50-0
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	822-06-0
Hexamethyl phosphoramide	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propionitrile (hydracrylonitrile)	109-78-4
Indeno(1,2,3-cd)pyrene	193-39-5
Lead acetate	301-04-2
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5
Malathion	121-75-5
Maleic acid	110-16-7
Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77-5

p-Methoxyphenol	150-76-5
Methylacrylate	96-33-3
2-(Methylamino)acetic acid (sarcosine, N-methylglycine)	107-97-1
Methyl bromochloroacetate	20428-74-4
Methyl-4-(cyanomethyl)benzoate	76469-88-0
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4
4,4'-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8
4,4'-Methylenedianiline (MDA)	101-77-9
5-Methylfurfural	620-02-0
Methylhydrazine	60-34-4
Methyl methane sulfonate	66-27-3
Methylparathion	298-00-0
Methyl sulfuric acid (sulfuric acid, dimethyl ester)	77-78-1
4-Methylthiophenol	106-45-6
Monomethylformamide (N-methylformamide)	123-39-7
Nabam	142-59-6
α-Naphthol	90-15-3
β-Naphthol	135-19-3
α-Naphthylamine	134-32-7
β-Naphthylamine	91-59-8
Neopentyl glycol	126-30-7
Niacinamide	98-92-0
o-Nitroaniline	88-74-4
Nitroglycerin	55-63-0
2-Nitrophenol	88-75-5
4-Nitrophenol	100-02-7
N-Nitrosodimethylamine	62-75-9
Nitrosoguanidine	674-81-7
N-Nitroso-n-methylurea	684-93-5
N-Nitrosomorpholine (4-nitrosomorpholine)	59-89-2
Oxalic acid	144-62-7
Parathion	56-38-2
Pentaerythritol	115-77-5
Phenacetin	62-44-2
Phenol	108-95-2
Phenylacetic acid	103-82-2
m-Phenylene diamine	108-45-2
o-Phenylene diamine	95-54-5
p-Phenylene diamine	106-50-3
Phenyl mercuric acetate	62-38-4
Phorate	298-02-2
Phthalic anhydride	85-44-9
α-Picoline (2-methyl pyridine)	109-06-8
1,3-Propane sultone	1120-71-4
β-Propiolactone	57-57-8
Propoxur (Baygon) 2-(1-methylethoxy)phenol N-methylcarbamate	114-26-1

Propylene glycol	57-55-6
Pyrene	129-00-0
Pyridinium bromide	39416-48-3
Quinoline	91-22-5
Quinone (p-benzoquinone)	106-51-4
Resorcinol	108-46-3
Simazine	122-34-9
Sodium acetate	127-09-3
Sodium formate	141-53-7
Strychnine	57-24-9
Succinic acid	110-15-6
Succinimide	123-56-8
Sulfanilic acid	121-47-1
Terephthalic acid	100-21-0
Tetraethyldithiopyrophosphate	3689-24-5
Tetraethylenepentamine	112-57-2
Thiofanox	39196-18-4
Thiosemicarbazide	79-19-6
2,4-Toluenediamine	95-80-7
2,6-Toluenediamine	823-40-5
3,4-Toluenediamine	496-72-0
2,4-Toluene diisocyanate	584-84-9
p-Toluic acid	99-94-5
m-Toluidine	108-44-1
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1
Triethanolamine	102-71-6
Triethylene glycol dimethyl ether (2,5,8,11-tetraoxadodecane, 1-methoxy-2-(2-(2-methoxyethoxy)ethoxy)ethane)	112-49-2
Tripropylene glycol	24800-44-0
Warfarin	81-81-2
3,4-Xylenol (3,4-dimethylphenol)	95-65-8

(Source: Amended at 42 Ill. Reg. 23725, effective November 19, 2018)

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

PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

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726.702 Standards for Ignitable Spent Refrigerant Recycled for Resue under this Subpart.

726.APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
726.APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine
726.APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
726.APPENDIX D Reference Air Concentrations
726.APPENDIX E Risk-Specific Doses
726.APPENDIX F Stack Plume Rise
726.APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues
726.APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues
726.APPENDIX I Methods Manual for Compliance with BIF Regulations
726.APPENDIX J Guideline on Air Quality Models (Repealed)
726.APPENDIX K Lead-Bearing Materials that May be Processed in Exempt Lead Smelters
726.APPENDIX L Nickel or Chromium-Bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces
726.APPENDIX M Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units
726.TABLE A Exempt Quantities for Small Quantity Burner Exemption

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-4/R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18117, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3249, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17888, effective October

24, 2013; amended in R16-7 at 40 Ill. Reg. 11955, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23023, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15427, effective September 3, 2020; amended in R21-13 at 48 Ill. Reg. 9930, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17108, effective November 22, 2024.

SUBPART A: GENERAL

Section 726.102 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 1096, effective December 20, 2006)

SUBPART C: RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Section 726.120 Applicability

a) The regulations of this Subpart C apply to recyclable materials that are applied to or placed on the land in either of the following ways:

1) Without mixing with any other substances; or

2) After mixing or combination with any other substances. These materials will be referred to throughout this Subpart C as "materials used in a manner that constitutes disposal".

b) A product produced for the general public's use that is used in a manner that constitutes disposal and which contains recyclable material is not presently subject to regulation under this Subpart C if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that it contains, and the recycler complies with 35 Ill. Adm. Code 728.107(b)(6).

c) Anti-skid and deicing uses of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 in a manner constituting disposal are not covered by the exemption in subsection (b), and such uses of these materials remain subject to regulation.

d) Fertilizers that contain recyclable materials are not subject to regulation provided that the following conditions are fulfilled:

1) They are zinc fertilizers excluded from the definition of solid waste according to 35 Ill. Adm. Code 721.104(a)(21); or

2) They meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 for each hazardous waste that they contain.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.121 Standards Applicable to Generators and Transporters of Materials Used in a Manner that Constitutes Disposal

A generator or transporter of a material that is used in a manner that constitutes disposal is subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.).

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials that Are To Be Used in a manner that Constitutes Disposal

An owner or operator of a facility that stores a recyclable material that is to be used in a manner that constitutes disposal, but which is not the ultimate user of the material, is regulated under all applicable provisions of Subparts A through L of 35 Ill. Adm. Code 724, 725; and 727 and 35 Ill. Adm. Code 702, 703, and 705; and the notification requirement under section 3010 of the Resource Conservation and Recovery Act.

(Source: Amended at 35 Ill. Reg. 18117, effective October 14, 2011)

Section 726.123 Standards Applicable to Users of Materials that Are Used in a Manner that Constitutes Disposal

a) An owner or operator of a facility that uses a recyclable material in a manner that constitutes disposal is regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; Subparts A through N of 35 Ill. Adm. Code 724; Subparts A through N of 35 Ill. Adm. Code 725; 35 Ill. Adm. Code 728; and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act. (These requirements do not apply to a product that contains this recyclable material under the provisions of Section 726.120(b)).

b) The use of waste or used oil or other material that is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section 726.130 Applicability (Repealed)

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.131 Prohibitions (Repealed)

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.135 Standards applicable to burners of waste fuel (Repealed)

(Source: Repealed at 16 Ill. Reg. 9858, effective June 9, 1992)

Section 726.136 Conditional exemption for spent materials and by-prodicts exhibiting a characteristic of hazardous waste (Repealed)

(Source: Repealed at 15 Ill. Reg. 9727, effective June 17, 1991)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section 726.140 Applicability (Repealed)

(Source: Repealed at 17 Ill. Reg. 20904, effective November 22, 1993)

Section 726.141 Prohibitions (Repealed)

(Source: Repealed at 17 Ill. Reg. 20904, effective November 22, 1993)

Section 726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)

(Source: Repealed at 17 Ill. Reg. 20904, effective November 22, 1993)

Section 726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)

(Source: Repealed at 17 Ill. Reg. 20904, effective November 22, 1993)

Section 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

(Source: Repealed at 17 Ill. Reg. 20904, effective November 22, 1993)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

Section 726.170 Applicability and Requirements

a) The regulations of this Subpart F apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals.

b) A person that generates, transports, or stores recyclable materials that are regulated under this Subpart F is subject to the following requirements:

1) Notification requirements under Section 3010 of RCRA (42 USC 6930);

2) Subpart B of 35 Ill. Adm. Code 722 (for a generator), 35 Ill. Adm. Code 723.120 and 723.121 (for a transporter), and 35 Ill. Adm. Code 725.171 and 725.172 (for a person that stores); and

3) For precious metals exported to or imported from other countries for recovery, Subpart H of 35 Ill. Adm. Code 722 and 725.112.

c) A person that stores recycled materials that are regulated under this Subpart F must keep the following records to document that it is not accumulating these materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c));

1) Records showing the volume of these materials stored at the beginning of the calendar year;

2) The amount of these materials generated or received during the calendar year; and

3) The amount of materials remaining at the end of the calendar year.

d) Recyclable materials that are regulated under this Subpart F that are accumulated speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all applicable provisions of 35 Ill. Adm. Code 702, 703, and 722 through 727.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and Requirements

a) Extent of Exemption for Spent Lead-Acid Batteries from Hazardous Waste Management Requirements. If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous waste management requirements. Subsections (a)(1) though (a)(5) indicate which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 733.

1) If the spent lead-acid batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111.

2) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

3) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

4) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries before the owner or operator reclaims them, the owner or operator must comply with

the requirements of Section 726.180(b) and other requirements described in that subsection, and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

5) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator does not store the batteries before the owner or operator reclaims them, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA (42 USC 6930), and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

6) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, and the batteries are exported for reclamation in a foreign country, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111, 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The owner or operator is subject to the requirements of 35 Ill. Adm. Code 721, 722.111, and 722.112 and Subpart H of 35 Ill. Adm. Code 722.

7) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, the person that transports the batteries in the United States to export them for reclamation in a foreign country (the transporter) is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728, and the notification requirements at section 3010 of RCRA (42 USC 6930). The transporter must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code 722.

8) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them but is not the reclaimer, the person is exempt from 35 Ill. Adm. Code 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 702, 703, 723, 724, 725, and 726, and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

9) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country and stores them before reclaiming them, the person must comply with 35 Ill. Adm. Code 726.180(b) and as appropriate other regulatory provisions described in 35 Ill. Adm. Code 726.180(b). The person is

subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

10) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the person that imports the batteries from a foreign country does not store them before reclaiming them, the person is exempt from 35 Ill. Adm. Code 702, 703, 722 (except for 35 Ill. Adm. Code 722.111 and 722.112 and Subpart H of 35 Ill. Adm. Code 722), 723, 724, 725, and 726 and the notification requirements at section 3010 of RCRA (42 USC 6930). The person is subject to 35 Ill. Adm. Code 721, 722.111, 722.112, Subpart H of 35 Ill. Adm. Code 722, and applicable provisions of 35 Ill. Adm. Code 728.

b) Exemption for Spent Lead-Acid Batteries Stored before Reclamation Other Than Through Regeneration. The requirements of this subsection (b) apply to an owner or operator that stores spent lead-acid batteries before it reclaims them, if the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

1) For an interim status facility, the owner or operator must comply with the following requirements:

A) The notification requirements under Section 3010 of RCRA (42 USC 6930);

B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 725;

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.113 (waste analysis);

D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 725;

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 725;

G) All applicable provisions in 35 Ill. Adm. Code 702 and 703; and

H) All applicable provisions in 35 Ill. Adm. Code 727.

2) For a permitted facility, the following requirements:

A) The notification requirements under section 3010 of RCRA (42 USC 6930);

B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 724;

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.113 (waste analysis);

D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 724;

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 724;

G) All applicable provisions in 35 Ill. Adm. Code 702 and 703; and

H) All applicable provisions in 35 Ill. Adm. Code 727.

(Source: Amended at 44 Ill. Reg. 15427, effective September 3, 2020)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

Section 726.200 Applicability

a) Subpart H applies to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), (g), and (h). In Subpart H, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

b) Integration of the MACT Standards

1) Except as provided by subsections (b)(2), (b)(3), and (b)(4), the standards of this Part do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste boiler or industrial furnace unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of federal subpart EEE of 40 CFR 63 (National Emission

Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), incorporated by reference in 35 Ill. Adm. Code 720.111(b), by conducting a comprehensive performance test and submitting to the Agency a Notification of Compliance, under 40 CFR 63.1207(j) (What are the performance testing requirements?) and 63.1210(d) (What are the notification requirements?), documenting compliance with the requirements of federal subpart EEE of 40 CFR 63. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2) The following standards continue to apply:

A) If an owner or operator elects to comply with 35 Ill. Adm. Code 703.320(a)(1)(A) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, Section 726.202(e)(1), requiring operations in compliance with the operating requirements specified in the permit at all times that hazardous waste is in the unit, and Section 726.202(e)(2)(C), requiring compliance with the emission standards and operating requirements, during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes. These provisions apply only during startup, shutdown, and malfunction events;

B) The closure requirements of Sections 726.202(e)(11) and 726.203(l);

C) The standards for direct transfer of Section 726.211;

D) The standards for regulation of residues of Section 726.212; and

E) The applicable requirements of Subparts A through H, BB, and CC of 35 Ill. Adm. Code 724 and 725.

3) The owner or operator of a boiler or hydrochloric acid production furnace that is an area source under 40 CFR 63.2, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as 40 CFR 63), that has not elected to comply with the emission standards of 40 CFR 63.1216, 63.1217, and 63.1218, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63), for particulate matter, semivolatile and low volatile metals, and total chlorine, also remains subject to the following requirements of this Part:

A) Section 726.205 (Standards to Control PM);

B) Section 726.206 (Standards to Control Metals Emissions); and

C) Section 726.207 (Standards to Control HCl and Chlorine Gas Emissions).

4) The particulate matter standard of Section 726.205 remains in effect for a boiler that elects to comply with the alternative to the particulate matter standard under 40 CFR 63.1216(e) and 63.1217(e), each incorporated by reference in 35 Ill. Adm. Code 720.111(b) (as subpart EEE of 40 CFR 63).

BOARD NOTE: Sections 9.1 and 39.5 of the Environmental Protection Act make the federal MACT standards directly applicable to entities in Illinois and authorize the Agency to issue permits based on the federal standards. In adopting this subsection (b), USEPA stated as follows (at 64 Fed Reg. 52828, 52975 (November 30, 1999)):

> Under [the approach adopted by USEPA as a] final rule, MACT air emissions and related operating requirements are to be included in title V permits; RCRA permits will continue to be required for all other aspects of the combustion unit and the facility that are governed by RCRA (e.g., corrective action, general facility standards, other combustor-specific concerns such as materials handling, risk-based emissions limits and operating requirements, as appropriate, and other hazardous waste management units).

c) The following hazardous wastes and facilities are not subject to regulation under Subpart H:

1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. The used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart H;

2) Gas recovered from hazardous or solid waste landfills, when the gas is burned for energy recovery;

3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for VSQGs under 35 Ill. Adm. Code 722.114; and

4) Coke ovens, if the only hazardous waste burned is USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.

d) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices, such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under Subpart H, except for Sections 726.201 and 726.212.

1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace must comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing must comply with the requirements of subsection (d)(3), and an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of federal subpart X of 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting) must comply with the requirements of subsection (h):

A) Provide a one-time written notice to the Agency indicating the following:

i) The owner or operator claims exemption under subsection (d);

ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (d)(2);

iii) The hazardous waste contains recoverable levels of metals; and

iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of subsection (d);

B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of subsection (d) by using appropriate methods; and

C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection (d), including limits on levels of toxic organic constituents and Btu value of the waste and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.

2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

A) The hazardous waste has a total concentration of organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 exceeding 500 ppm by weight, as fired, and is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (d)(1)(C); or

B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (d)(1)(C).

3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace, except for an owner or operator of a lead recovery furnace that is subject to regulation under the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under subsection (d)(3) or subsection (d)(1). The owner or operator must comply with the requirements of subsection (d)(1) for those wastes claimed to be exempt under that subsection and must comply with the following requirements for those wastes claimed to be exempt under subsection (d)(3):

A) The hazardous wastes listed in Appendices K, L, and M and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (d)(1), provided the following are true:

i) A waste listed in Appendix K must contain recoverable levels of lead, a waste listed in Appendix L must contain recoverable levels of nickel or chromium, a waste listed in Appendix M must contain recoverable levels of mercury and contain less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721 organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;

ii) The waste does not exhibit the toxicity characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

iii) The waste is not a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 because it is listed for an organic constituent, as identified in Appendix G of 35 Ill. Adm. Code 721; and

iv) The owner or operator certifies in the one-time notice that hazardous waste is burned in compliance with the provisions of subsection (d)(3) and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (d)(1)(B), and records to document compliance with subsection (d)(3) must be kept for at least three years.

B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, Appendix L, or Appendix M that contains a total concentration of more than 500 ppm toxic organic compounds listed in Appendix H of 35 Ill. Adm. Code 721 may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of Subpart H. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of Subpart H when burning that material. In making the hazard determination, the Agency must consider the following factors:

i) The concentration and toxicity of organic constituents in the material;

ii) The level of destruction of toxic organic constituents provided by the furnace; and

iii) Whether the acceptable ambient levels established in Appendix D or E will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

e) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.

f) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.

g) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation under Subpart H, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator must do the following:

1) Provide a one-time written notice to the Agency indicating the following:

A) The owner or operator claims exemption under this Section,

B) The hazardous waste is burned for legitimate recovery of precious metal, and

C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;

2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of the metals and that the treatment recovers economically significant amounts of precious metal; and

3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

h) An owner or operator of a lead recovery furnace that processes hazardous waste for recovery of lead and which is subject to regulation under the Secondary Lead Smelting NESHAP of subpart X of 40 CFR 63, is conditionally exempt from regulation under Subpart H, except for Section 726.201. To become exempt, an owner or operator must provide a one-time notice to the Agency identifying each hazardous waste burned and specifying that the owner or operator claims an exemption under subsection (h). The notice also must state that the waste burned has a total concentration of non-metal compounds listed in Appendix H of 35 Ill. Adm. Code 721 of less than 500 ppm by weight, as fired and as provided in subsection (d)(2)(A), or is listed in Appendix K.

i) Abbreviations and Definitions. The following definitions and abbreviations are used in Subpart H:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(i)(B)(*1*)(*i*) and (e)(6)(ii)(B)(*1*).

"DRE" means destruction or removal efficiency.

"cu m" or "m^3" means cubic meters.

"E" means "ten to the power". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by federal 40 CFR 51.100(ii) (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(i)(B)(*1*)(*ii*).

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of the preceding clock hour.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(ii)(B)(*2*).

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.
BOARD NOTE: Derived from 40 CFR 266.100(e)(6)(ii)(B)(*2*).

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for this Subpart. RACs are specified in Appendix D.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for this Subpart. RSDs are specified in Appendix E.

"SSU" means "Saybolt Seconds Universal," a unit of viscosity measured by ASTM D 88-87 (Standard Test Method for Saybolt Viscosity) or D 2161-87 (Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

"TCLP test" means Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), as used for 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, under Section 726.204(e), using section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I).

"µg" means microgram.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.201 Management Prior to Burning

a) Generators. A generator of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 722.

b) Transporters. A transporter of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 723.

c) Storage and Treatment Facilities

1) An owner or operator of a facility that stores or treats hazardous waste that is burned in a BIF is subject to the applicable provisions of 35 Ill. Adm. Code 702, 703, 724, 725, and 727, except as provided by subsection (c)(2). These standards apply to storage and treatment by the burner, as well as to any storage or treatment facility operated by an intermediary (a processor, blender, distributor, etc.) between the generator and the burner.

2) An owner or operator of a facility that burns, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that it generates is exempt from regulation under 35 Ill. Adm. Code 702, 703, 724, 725, and 727 that are applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation, as prescribed in subsection (c)(1).

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.202 Permit Standards for Burners

a) Applicability

1) General. An owner or operator of a BIF that burns hazardous waste and that does not operate under interim status must comply with the requirements of

this Section and 35 Ill. Adm. Code 703.208 and 703.232, unless exempt under the small quantity burner exemption of Section 726.208.

2) Applicability of 35 Ill. Adm. Code 724 Standards. An owner or operator of a BIF that burns hazardous waste is subject to the following provisions of 35 Ill. Adm. Code 724, except as provided otherwise by this Subpart H:

A) In Subpart A (General), 35 Ill. Adm. Code 724.104;

B) In Subpart B (General facility standards), 35 Ill. Adm. Code 724.111 through 724.118;

C) In Subpart C (Preparedness and prevention), 35 Ill. Adm. Code 724.131 through 724.137;

D) In Subpart D (Contingency plan and emergency procedures), 35 Ill. Adm. Code 724.151 through 724.156;

E) In Subpart E (Manifest system, recordkeeping and reporting), the applicable provisions of 35 Ill. Adm. Code 724.171 through 724.177;

F) In Subpart F (Releases from Solid Waste Management Units), 35 Ill. Adm. Code 724.190 and 724.201;

G) In Subpart G (Closure and post-closure), 35 Ill. Adm. Code 724.211 through 724.215;

H) In Subpart H (Financial requirements), 35 Ill. Adm. Code 724.241, 724.242, 724.243, and 724.247 through 724.251, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 724; and

I) Subpart BB (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 724.950(a).

b) Hazardous Waste Analysis

1) The owner or operator must provide an analysis of the hazardous waste that quantifies the concentration of any constituent identified in Appendix H of 35 Ill. Adm. Code 721 that is reasonably expected to be in the waste. Such constituents must be identified and quantified if present, at levels detectable by using appropriate analytical methods. The constituents listed in Appendix H of 35 Ill. Adm. Code 721 that are excluded from this analysis must be identified and the basis for their exclusion explained. This analysis must provide all information required by this Subpart H and 35 Ill. Adm. Code 703.208 and 703.232 and must enable the Agency to prescribe such

permit conditions as are necessary to adequately protect human health and the environment. Such analysis must be included as a portion of the Part B permit application, or, for facilities operating under the interim status standards of this Subpart H, as a portion of the trial burn plan that may be submitted before the Part B application under provisions of 35 Ill. Adm. Code 703.232(g), as well as any other analysis required by the Agency. The owner or operator of a BIF not operating under the interim status standards must provide the information required by 35 Ill. Adm. Code 703.208 and 703.232 in the Part B application to the greatest extent possible.

2) Throughout normal operation, the owner or operator must conduct sampling and analysis as necessary to ensure that the hazardous waste, other fuels, and industrial furnace feedstocks fired into the BIF are within the physical and chemical composition limits specified in the permit.

c) Emissions Standards. An owner or operator must comply with emissions standards provided by Sections 726.204 through 726.207.

d) Permits

1) The owner or operator must burn only hazardous wastes specified in the facility permit and only under the operating conditions specified under subsection (e), except in approved trial burns under the conditions specified in 35 Ill. Adm. Code 703.232.

2) Hazardous wastes not specified in the permit must not be burned until operating conditions have been specified under a new permit or permit modification, as applicable. Operating requirements for new wastes must be based on either trial burn results or alternative data included with Part B of a permit application under 35 Ill. Adm. Code 703.208.

3) BIFs operating under the interim status standards of Section 726.203 are permitted under procedures provided by 35 Ill. Adm. Code 703.232(g).

4) A permit for a new BIF (those BIFs not operating under the interim status standards) must establish appropriate conditions for each of the applicable requirements of this Section, including but not limited to allowable hazardous waste firing rates and operating conditions necessary to meet the requirements of subsection (e), in order to comply with the following standards:

A) For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the device to a point of operational readiness to conduct a trial burn, not to exceed a duration of 720 hours operating time when burning hazardous waste, the operating

requirements must be those most likely to ensure compliance with the emission standards of Sections 726.204 through 726.207, based on the Agency's engineering judgment. If the applicant is seeking a waiver from a trial burn to demonstrate conformance with a particular emission standard, the operating requirements during this initial period of operation must include those specified by the applicable provisions of Section 726.204, Section 726.205, Section 726.206, or Section 726.207. The Agency must extend the duration of this period for up to 720 additional hours when good cause for the extension is demonstrated by the applicant.

B) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the emissions standards of Sections 726.204 through 726.207 and must be in accordance with the approved trial burn plan;

C) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, submission of the trial burn results by the applicant, review of the trial burn results, and modification of the facility permit by the Agency to reflect the trial burn results, the operating requirements must be those most likely to ensure compliance with the emission standards Sections 726.204 through 726.207 based on the Agency's engineering judgment.

D) For the remaining duration of the permit, the operating requirements must be those demonstrated in a trial burn or by alternative data specified in 35 Ill. Adm. Code 703.208, as sufficient to ensure compliance with the emissions standards of Sections 726.204 through 726.207.

e) Operating Requirements

1) General. A BIF burning hazardous waste must be operated in accordance with the operating requirements specified in the permit at all times when there is hazardous waste in the unit.

2) Requirements to Ensure Compliance with the Organic Emissions Standards

A) DRE (destruction or removal efficiency) Standard. Operating conditions must be specified in either of the following ways: on a case-by-case basis for each hazardous waste burned, which conditions must be demonstrated (in a trial burn or by alternative data, as specified in 35 Ill. Adm. Code 703.208) to be sufficient to comply with the DRE performance standard of Section 726.204(a), or as special operating requirements provided by Section

726.204(a)(4) for the waiver of the DRE trial burn. When the DRE trial burn is not waived under Section 726.204(a)(4), each set of operating requirements must specify the composition of the hazardous waste (including acceptable variations in the physical and chemical properties of the hazardous waste that will not affect compliance with the DRE performance standard) to which the operating requirements apply. For each such hazardous waste, the permit must specify acceptable operating limits including, but not limited to, the following conditions, as appropriate:

i) Feed rate of hazardous waste and other fuels measured and specified as prescribed in subsection (e)(6);

ii) Minimum and maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls of the hazardous waste firing system;

iv) Allowable variation in BIF system design or operating procedures;

v) Minimum combustion gas temperature measured at a location indicative of combustion chamber temperature, measured, and specified as prescribed in subsection (e)(6);

vi) An appropriate indicator of combustion gas velocity, measured and specified as prescribed in subsection (e)(6), unless documentation is provided under 35 Ill. Adm. Code 703.232 demonstrating adequate combustion gas residence time; and

vii) Such other operating requirements as are necessary to ensure that the DRE performance standard of Section 726.204(a) is met.

B) CO and Hydrocarbon (HC) Standards. The permit must incorporate a CO limit and, as appropriate, a HC limit as provided by Section 726.204(b), (c), (d), (e), and (f). The permit limits must be specified as follows:

i) When complying with the CO standard of Section 726.204(b)(1), the permit limit is 100 ppmv;

ii) When complying with the alternative CO standard under Section 726.204(c), the permit limit for CO is based on the

trial burn and is established as the average over all valid runs of the highest hourly rolling average CO level of each run; and, the permit limit for HC is 20 ppmv (as defined in Section 726.204(c)(1)), except as provided in Section 726.204(f); or

iii) When complying with the alternative HC limit for industrial furnaces under Section 726.204(f), the permit limit for HC and CO is the baseline level when hazardous waste is not burned as specified by that subsection.

C) Start-Up and Shut-Down. During start-up and shut-down of the BIF, hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine, and except low risk waste exempt from the trial burn requirements under Sections 726.204(a)(5), 726.205, 726.206, and 726.207) must not be fed into the device, unless the device is operating within the conditions of operation specified in the permit.

3) Requirements to Ensure Conformance with the Particulate Matter (PM) Standard

A) Except as provided in subsections (e)(3)(B) and (e)(3)(C), the permit must specify the following operating requirements to ensure conformance with the PM standard specified in Section 726.205:

i) Total ash feed rate to the device from hazardous waste, other fuels, and industrial furnace feedstocks, measured and specified as prescribed in subsection (e)(6);

ii) Maximum device production rate when producing normal product expressed in appropriate units, and measured and specified as prescribed in subsection (e)(6);

iii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any air pollution control system (APCS);

iv) Allowable variation in BIF system design including any APCS or operating procedures; and

v) Such other operating requirements as are necessary to ensure that the PM standard in Section 726.205(a) is met.

B) Permit conditions to ensure conformance with the PM standard must not be provided for facilities exempt from the PM standard under Section 726.205(b);

C) For cement kilns and light-weight aggregate kilns, permit conditions to ensure compliance with the PM standard must not limit the ash content of hazardous waste or other feed materials.

4) Requirements to Ensure Conformance with the Metals Emissions Standard

A) For conformance with the Tier I (or adjusted Tier I) metals feed rate screening limits of Section 726.206(b) or (e), the permit must specify the following operating requirements:

i) Total feed rate of each metal in hazardous waste, other fuels and industrial furnace feedstocks measured and specified under provisions of subsection (e)(6);

ii) Total feed rate of hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and metals analysis program for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II metals emission rate screening limits under Section 726.206(c) and the Tier III metals controls under Section 726.206(d), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsections (e)(6): total feed streams; total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(ii)(C)(*1*) and (e)(4)(ii)(C)(*2*) into this subsection (e)(4)(B)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified as prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards under Section 726.206(c) or (d) are met.

C) For conformance with an alternative implementation approach approved by the Agency under Section 726.206(f), the permit must specify the following operating requirements:

i) Maximum emission rate for each metal specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste and pumpable hazardous waste, each measured and specified as prescribed in subsection (e)(6)(A);

iii) Feed rate of each metal in the following feedstreams, measured and specified as prescribed in subsection (e)(6): total hazardous waste feed; and total pumpable hazardous waste feed;

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(4)(iii)(C)(*1*) and (e)(4)(iii)(C)(*2*) into this subsection (e)(4)(C)(iii) to comport with Illinois Administrative Code codification requirements.

iv) Total feed rate of chlorine and chloride in total feed streams measured and specified prescribed in subsection (e)(6);

v) Maximum combustion gas temperature measured at a location indicative of combustion chamber temperature, and measured and specified as prescribed in subsection (e)(6);

vi) Maximum flue gas temperature at the inlet to the PM APCS measured and specified as prescribed in subsection (e)(6);

vii) Maximum device production rate when producing normal product expressed in appropriate units and measured and specified as prescribed in subsection (e)(6);

viii) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

ix) Allowable variation in BIF system design including any APCS or operating procedures; and

x) Such other operating requirements as are necessary to ensure that the metals standards under Section 726.206(c) or (d) are met.

5) Requirements to Ensure Conformance with the HCl and Chlorine Gas Standards

A) For conformance with the Tier I total chlorine and chloride feed rate screening limits of Section 726.207(b)(1), the permit must specify the following operating requirements:

i) Feed rate of total chlorine and chloride in hazardous waste, other fuels and industrial furnace feedstocks measured and specified as prescribed in subsection (e)(6);

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6); and

iii) A sampling and analysis program for total chlorine and chloride for the hazardous waste, other fuels and industrial furnace feedstocks;

B) For conformance with the Tier II HCl and chlorine gas emission rate screening limits under Section 726.207(b)(2) and the Tier III HCl and chlorine gas controls under Section 726.207(c), the permit must specify the following operating requirements:

i) Maximum emission rate for HCl and for chlorine gas specified as the average emission rate during the trial burn;

ii) Feed rate of total hazardous waste measured and specified as prescribed in subsection (e)(6);

iii) Total feed rate of chlorine and chloride in total feed streams, measured and specified as prescribed in subsection (e)(6);

iv) Maximum device production rate when producing normal product expressed in appropriate units, measured and specified as prescribed in subsection (e)(6);

v) Appropriate controls on operation and maintenance of the hazardous waste firing system and any APCS;

vi) Allowable variation in BIF system design including any APCS or operating procedures; and

vii) Such other operating requirements as are necessary to ensure that the HCl and chlorine gas standards under Section 726.207(b)(2) or (c) are met.

6) Measuring Parameters and Establishing Limits Based on Trial Burn Data

A) General Requirements. As specified in subsections (e)(2) through (e)(5), each operating parameter must be measured, and permit limits on the parameter must be established, according to either of the following procedures:

i) Instantaneous Limits. A parameter is measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the permit limit specified as the time-weighted average during all valid runs of the trial burn; or

ii) Hourly Rolling Average. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The permit limit for the parameter must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.102(e)(6)(i)(B)(*1*) and (e)(6)(i)(B)(*2*) into this subsection (e)(6)(A)(ii) and moved the text of 40 CFR

266.102(e)(6)(i)(B)(*1*)(*i*) and (e)(6)(i)(B)(*1*)(*ii*) to appear as definitions of "continuous monitor" and "hourly rolling average", respectively, in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

B) Rolling Average Limits for Carcinogenic Metals and Lead. Feed rate limits for the carcinogenic metals (as defined in Section 726.200(i)) and lead must be established either on an hourly rolling average basis, as prescribed by subsection (e)(6)(A), or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an average period from 2 to 24 hours, the following requirements apply:

i) The feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on an hourly rolling average basis;

ii) The continuous monitor must meet the specifications of "continuous monitor", "rolling average for the selected averaging period", and "one hour block average" as defined in Section 726.200(i); and

BOARD NOTE: The Board has moved the text of 40 CFR 266.102(e)(6)(ii)(B)(*1*) and (e)(6)(ii)(B)(*2*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) The permit limit for the feed rate of each metal must be established based on trial burn data as the average over all valid test runs of the highest hourly rolling average feed rate for each run.

C) Feed Rate Limits for Metals, Total Chlorine and Chloride, and Ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the concentration of the substance (i.e., metals, chloride/chlorine and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (e)(6)(A) and (e)(6)(B).

D) Conducting Trial Burn Testing

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated

simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the unit must operate under trial burn conditions for a sufficient period to reach steady-state operations. However, industrial furnaces that recycle collected PM back into the furnace and that comply with an alternative implementation approach for metals under Section 726.206(f) need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals emissions.

iii) Trial burn data on the level of an operating parameter for which a limit must be established in the permit must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by this subsection (e).

7) General Requirements

A) Fugitive Emissions. Fugitive emissions must be controlled in one of the following ways:

i) By keeping the combustion zone totally sealed against fugitive emissions;

ii) By maintaining the combustion zone pressure lower than atmospheric pressure; or

iii) By an alternative means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

B) Automatic Waste Feed Cutoff. A BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when operating conditions deviate from those established under this Section. In addition, the following requirements apply:

i) The permit limit for (the indicator of) minimum combustion chamber temperature must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber;

ii) Exhaust gases must be ducted to the APCS operated in accordance with the permit requirements while hazardous waste or hazardous waste residues remain in the combustion chamber; and

iii) Operating parameters for which permit limits are established must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the permit limits. For parameters that are monitored on an instantaneous basis, the Agency must establish a minimum period of time after a waste feed cutoff during which the parameter must not exceed the permit limit before the hazardous waste feed is restarted.

C) Changes. A BIF must cease burning hazardous waste when combustion properties or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits as specified in the permit.

8) Monitoring and Inspections

A) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

i) If specified by the permit, feed rates and composition of hazardous waste, other fuels, and industrial furnace feedstocks and feed rates of ash, metals, and total chlorine and chloride;

ii) If specified by the permit, CO, HCs, and oxygen on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with operating requirements specified in subsection (e)(2)(B). CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I; and

iii) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feedstocks as appropriate), residues, and exhaust emissions

must be conducted to verify that the operating requirements established in the permit achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

B) All monitors must record data in units corresponding to the permit limit unless otherwise specified in the permit.

C) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when it contains hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

D) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the applicant demonstrates to the Agency that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. At a minimum, operational testing must be conducted at least once every 30 days.

E) These monitoring and inspection data must be recorded and the records must be placed in the operating record required by 35 Ill. Adm. Code 724.173.

9) Direct Transfer to the Burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner and operator must comply with Section 726.211.

10) Recordkeeping. The owner or operator must maintain in the operating record of the facility all information and data required by this Section for five years.

11) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the BIF.

(Source: Amended at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.203 Interim Status Standards for Burners

a) Purpose, Scope, and Applicability

1) General

A) The purpose of this Section is to establish minimum national standards for owners and operators of "existing" BIFs that burn

hazardous waste where such standards define the acceptable management of hazardous waste during the period of interim status. The standards of this Section apply to owners and operators of existing facilities until either a permit is issued under Section 726.202(d) or until closure responsibilities identified in this Section are fulfilled.

B) "Existing" or "in existence" means a BIF for which the owner or operator filed a certification of precompliance with USEPA pursuant to federal 40 CFR 266.103(b); provided, however, that USEPA has not determined that the certification is invalid.

C) If a BIF is located at a facility that already has a RCRA permit or interim status, then the owner or operator must comply with the applicable regulations dealing with permit modifications in 35 Ill. Adm. Code 703.280 or changes in interim status in 35 Ill. Adm. Code 703.155.

2) Exemptions. The requirements of this Section do not apply to hazardous waste and facilities exempt under Section 726.200(b) or 726.208.

3) Prohibition on Burning Dioxin-Listed Wastes. The following hazardous waste listed for dioxin and hazardous waste derived from any of these wastes must not be burned in a BIF operating under interim status: USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027.

4) Applicability of 35 Ill. Adm. Code 725 Standards. An owner or operator of a BIF that burns hazardous waste and which is operating under interim status is subject to the following provisions of 35 Ill. Adm. Code 725, except as provided otherwise by this Section:

A) In Subpart A of 35 Ill. Adm. Code 725 (General), 35 Ill. Adm. Code 725.104;

B) In Subpart B of 35 Ill. Adm. Code 725 (General facility standards), 35 Ill. Adm. Code 725.111 through 725.117;

C) In Subpart C of 35 Ill. Adm. Code 725 (Preparedness and prevention), 35 Ill. Adm. Code 725.131 through 725.137;

D) In Subpart D of 35 Ill. Adm. Code 725 (Contingency plan and emergency procedures), 35 Ill. Adm. Code 725.151 through 725.156;

E) In Subpart E of 35 Ill. Adm. Code 725 (Manifest system, recordkeeping and reporting), 35 Ill. Adm. Code 725.171 through 725.177, except that 35 Ill. Adm. Code 725.171, 725.172 and

725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

F) In Subpart G of 35 Ill. Adm. Code 725 (Closure and post-closure), 35 Ill. Adm. Code 725.211 through 725.215;

G) In Subpart H of 35 Ill. Adm. Code 725 (Financial requirements), 35 Ill. Adm. Code 725.241, 725.242, 725.243, and 725.247 through 725.250, except that the State of Illinois and the federal government are exempt from the requirements of Subpart H of 35 Ill. Adm. Code 725; and

H) In Subpart BB of 35 Ill. Adm. Code 725 (Air emission standards for equipment leaks), except 35 Ill. Adm. Code 725.950(a).

5) Special Requirements for Furnaces. The following controls apply during interim status to industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see subsection (a)(5)(B)) at any location other than the hot end where products are normally discharged or where fuels are normally fired:

A) Controls

i) The hazardous waste must be fed at a location where combustion gas temperature is at least 1800 °F;

ii) The owner or operator must determine that adequate oxygen is present in combustion gases to combust organic constituents in the waste and retain documentation of such determination in the facility record;

iii) For cement kiln systems, the hazardous waste must be fed into the kiln; and

iv) The HC controls of Section 726.204(f) or subsection (c)(5) apply upon certification of compliance under subsection (c), irrespective of the CO level achieved during the compliance test.

B) Burning Hazardous Waste Solely as an Ingredient. A hazardous waste is burned for a purpose other than "solely as an ingredient" if it meets either of the following criteria:

i) The hazardous waste has a total concentration of nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721, exceeding 500 ppm by weight, as fired and so is considered

to be burned for destruction. The concentration of nonmetal compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys nonmetal constituents. Blending for dilution to meet the 500 ppm limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the facility record; or

ii) The hazardous waste has a heating value of 5,000 Btu/lb or more, as fired, and so is considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly blended must be retained in the facility record.

6) Restrictions on Burning Hazardous Waste That Is Not a Fuel. Prior to certification of compliance under subsection (c), an owner or operator must not feed hazardous waste that has a heating value less than 5000 Btu/lb, as generated, (except that the heating value of a waste as-generated may be increased to above the 5,000 Btu/lb limit by bona fide treatment; however blending to augment the heating value to meet the 5,000 Btu/lb limit is prohibited and records must be kept to document that impermissible blending has not occurred) in a BIF, except that the following may occur:

A) Hazardous waste may be burned solely as an ingredient;

B) Hazardous waste may be burned for purposes of compliance testing (or testing prior to compliance testing) for a total period of time not to exceed 720 hours;

C) Such waste may be burned if the Agency has documentation to show that the following was true prior to August 21, 1991:

i) The BIF was operating under the interim status standards for incinerators or thermal treatment units, Subparts O or P of 35 Ill. Adm. Code 725;

ii) The BIF met the interim status eligibility requirements under 35 Ill. Adm. Code 703.153 for Subparts O or P of 35 Ill. Adm. Code 725; and

iii) Hazardous waste with a heating value less than 5,000 Btu/lb was burned prior to that date; or

D) Such waste may be burned in a halogen acid furnace if the waste was burned as an excluded ingredient under 35 Ill. Adm. Code 721.102(e) prior to February 21, 1991, and documentation is kept on file supporting this claim.

7) Direct Transfer to the Burner. If hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit, the owner or operator must comply with Section 726.211.

b) Certification of Precompliance. This subsection (b) corresponds with 40 CFR 266.103(b), under which USEPA required certain owners and operators to file a certification of precompliance by August 21, 1991. No similar filing with the Agency was required, so the Board did not incorporate the federal filing requirement into the Illinois regulations. This statement maintains structural parity with the federal regulations.

c) Certification of Compliance. The owner or operator must conduct emissions testing to document compliance with the emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) under the procedures prescribed by this subsection (c). Based on the compliance test, the owner or operator must submit to the Agency a complete and accurate "certification of compliance" (under subsection (c)(4)) with those emission standards establishing limits on the operating parameters specified in subsection (c)(1).

1) Limits on Operating Conditions. The owner or operator must establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in subsection (c)(4)(D)) or as otherwise specified and include these limits with the certification of compliance. The BIF must be operated in accordance with these operating limits and the applicable emissions standards of Sections 726.204(b) through (e), 726.205, 726.206, and 726.207 and subsection (a)(5)(A)(iv) at all times when there is hazardous waste in the unit.

A) Feed rate of total hazardous waste and (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)), pumpable hazardous waste;

B) Feed rate of each metal in the following feedstreams:

i) Total feedstreams, except that industrial furnaces which must comply with the alternative metals implementation approach under subsection (c)(3)(B) must specify limits on the concentration of each metal in collected PM in lieu of feed

rate limits for total feedstreams; and facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metal feed rate screening limits determined under Section 726.206(b) or (e);

BOARD NOTE: Federal subsections 266.103(c)(1)(ii)(A)(1) and (c)(1)(ii)(A)(2) are condensed into subsection (c)(1)(B)(i).

ii) Total hazardous waste feed (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e)); and

iii) Total pumpable hazardous waste feed (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

C) Total feed rate of total chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under Section 726.207(b)(1) or (e);

D) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

E) CO Concentration, and Where Required, HC Concentration in Stack Gas. When complying with the CO controls of Section 726.204(b), the CO limit is 100 ppmv, and when complying with the HC controls of Section 726.204(c), the HC limit is 20 ppmv. When complying with the CO controls of Section 726.204(c), the CO limit is established based on the compliance test;

F) Maximum production rate of the device in appropriate units when producing normal product unless complying with Tier I or Adjusted Tier I feed rate screening limits for chlorine under Section 726.207(b)(1) or (e) and for all metals under Section 726.206(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under Section 726.205;

G) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection, (unless complying with the Tier I adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e));

H) Maximum flue gas temperature entering a PM control device (unless complying with Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b) or (e));

I) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum liquid to flue gas ratio;

ii) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and

iii) Minimum pH level of the scrubber water;

J) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e));

K) For systems using dry scrubbers (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum caustic feed rate; and

ii) Maximum flue gas flow rate;

L) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)):

i) Minimum electrical power in kVA to the precipitator plates; and

ii) Maximum flue gas flow rate;

M) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under Section 726.206(b) or (e) and the total chlorine and chloride feed rate screening limits under Section 726.207(b)(1) or (e)).

2) Prior Notice of Compliance Testing. At least 30 days prior to the compliance testing required by subsection (c)(3), the owner or operator must notify the Agency and submit the following information:

A) General facility information including:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number, and address;

iii) Person responsible for conducting compliance test, including company name, address, and telephone number, and a statement of qualifications;

iv) Planned date of the compliance test;

B) Specific information on each device to be tested, including the following:

i) A Description of BIF;

ii) A scaled plot plan showing the entire facility and location of the BIF;

iii) A description of the APCS;

iv) Identification of the continuous emission monitors that are installed, including the following: CO monitor; Oxygen monitor; HC monitor, specifying the minimum temperature of the system, and, if the temperature is less than 150 °C, an explanation of why a heated system is not used (see subsection (c)(5)) and a brief description of the sample gas conditioning system;

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(2)(ii)(D)(*1*) through (c)(2)(ii)(D)(*3*) into this subsection (c)(2)(B)(iv) to comport with Illinois Administrative Code codification requirements.

v) Indication of whether the stack is shared with another device that will be in operation during the compliance test; and

vi) Other information useful to an understanding of the system design or operation; and

C) Information on the testing planned, including a complete copy of the test protocol and QA/QC plan, and a summary description for each test providing the following information at a minimum:

i) Purpose of the test (e.g., demonstrate compliance with emissions of PM); and

ii) Planned operating conditions, including levels for each pertinent parameter specified in subsection (c)(1).

3) Compliance Testing

A) General. Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under subsection (b) and under conditions established in the notification of compliance testing required by subsection (c)(2). The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar on-site unit. To support the request, the owner or operator must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Agency must provide a written approval to use compliance test data in lieu of testing a similar unit if the Agency finds that the hazardous wastes, devices and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of this subsection (c).

B) Special Requirements for Industrial Furnaces that Recycle Collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must comply with one of the following procedures for testing to determine compliance with the metals standards of Section 726.206(c) or (d):

i) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in Appendix I;

ii) Stack emissions testing for a minimum of six hours each day while hazardous waste is burned during interim status. The testing must be conducted when burning normal hazardous

waste for that day at normal feed rates for that day and when the APCS is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content affect the ability of the unit to meet the metals emissions standards established under Section 726.206(c) or (d). Under this option, operating limits (under subsection (c)(1)) must be established during compliance testing under this subsection (c)(3) only on the following parameters: feed rate of total hazardous waste; total feed rate of total chlorine and chloride in total feed streams; total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited; CO concentration, and where required, HC concentration in stack gas; and maximum production rate of the device in appropriate units when producing normal product; or

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(3)(ii)(B)(*1*) through (c)(3)(ii)(B)(*5*) into this subsection (c)(3)(B)(ii) to comport with Illinois Administrative Code codification requirements.

iii) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of subsection (c)(1) only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

C) Conduct of Compliance Testing

i) If compliance with all applicable emissions standards of Sections 726.204 through 726.207 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

ii) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of Sections 726.204 through 726.207 or establishing limits on operating parameters under this Section, the facility must

operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected PM back into the furnace and that comply with subsection (c)(3)(B)(i) or (c)(3)(B)(ii), however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.

iii) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutants (i.e., metals, PM, HCl/chlorine gas, organic compounds) for which the parameter must be established as specified by subsection (c)(1).

4) Certification of Compliance. Within 90 days of completing compliance testing, the owner or operator must certify to the Agency compliance with the emissions standards of Sections 726.204(b), (c) and (e); 726.205; 726.206; 726.207; and subsection (a)(5)(A)(iv). The certification of compliance must include the following information:

A) General facility and testing information, including the following:

i) USEPA facility ID number;

ii) Facility name, contact person, telephone number, and address;

iii) Person responsible for conducting compliance testing, including company name, address, and telephone number, and a statement of qualifications;

iv) Dates of each compliance test;

v) Description of BIF tested;

vi) Person responsible for QA/QC, title and telephone number, and statement that procedures prescribed in the QA/QC plan submitted under Section 726.203(c)(2)(C) have been followed, or a description of any changes and an explanation of why changes were necessary;

vii) Description of any changes in the unit configuration prior to or during testing that would alter any of the information submitted in the prior notice of compliance testing under

subsection (c)(2) and an explanation of why the changes were necessary;

viii) Description of any changes in the planned test conditions prior to or during the testing that alter any of the information submitted in the prior notice of compliance testing under subsection (c)(2) and an explanation of why the changes were necessary; and

ix) The complete report on results of emissions testing.

B) Specific information on each test, including the following:

i) Purposes of test (e.g., demonstrate conformance with the emissions limits for PM, metals, HCl, chlorine gas, and CO);

ii) Summary of test results for each run and for each test including the following information: date of run; duration of run; time-weighted average and highest hourly rolling average CO level for each run and for the test; highest hourly rolling average HC level, if HC monitoring is required for each run and for the test; if dioxin and furan testing is required under Section 726.204(e), time-weighted average emissions for each run and for the test of chlorinated dioxin and furan emissions, and the predicted maximum annual average ground level concentration of the toxicity equivalency factor (defined in Section 726.200(i)); time-weighted average PM emissions for each run and for the test; time-weighted average HCl and chlorine gas emissions for each run and for the test; time-weighted average emissions for the metals subject to regulation under Section 726.206 for each run and for the test; and QA/QC results.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(ii)(B)(*1*) through (c)(4)(ii)(B)(*9*) into this subsection (c)(4)(B)(ii) to comport with Illinois Administrative Code codification requirements.

C) Comparison of the actual emissions during each test with the emissions limits prescribed by Sections 726.204(b), (c), and (e); 726.205; 726.206; and 726.207 and established for the facility in the certification of precompliance under subsection (b).

D) Determination of operating limits based on all valid runs of the compliance test for each applicable parameter listed in subsection (c)(1) using one of the following procedures:

i) Instantaneous limits. A parameter must be measured and recorded on an instantaneous basis (i.e., the value that occurs at any time) and the operating limit specified as the time-weighted average during all runs of the compliance test.

ii) Hourly rolling average basis. The limit for a parameter must be established and continuously monitored on an hourly rolling average basis, as defined in Section 726.200(i). The operating limit for the parameter must be established based on compliance test data as the average over all test runs of the highest hourly rolling average value for each run.

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(B)(*1*) and (c)(4)(iv)(B)(*2*) into this subsection (c)(4)(D)(ii) and moved the text of 40 CFR 266.103(c)(4)(iv)(B)(*1*)(*i*) and (c)(4)(iv)(B)(*1*)(*ii*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iii) Rolling average limits for carcinogenic metals (as defined in Section 726.200(i)) and lead. Feed rate limits for the carcinogenic metals and lead must be established either on an hourly rolling average basis as prescribed by subsection (c)(4)(D)(ii) or on (up to) a 24 hour rolling average basis. If the owner or operator elects to use an averaging period from two to 24 hours the following must occur: the feed rate of each metal must be limited at any time to ten times the feed rate that would be allowed on a hourly rolling average basis; the operating limit for the feed rate of each metal must be established based on compliance test data as the average over all test runs of the highest hourly rolling average feed rate for each run; and the continuous monitor and the rolling average for the selected averaging period are as defined in Section 726.200(i).

BOARD NOTE: The Board has combined the text of 40 CFR 266.103(c)(4)(iv)(C)(*1*) through (c)(4)(iv)(C)(*3*) into subsection (c)(4)(D)(iii) and moved the text of 40 CFR 266.103(c)(4)(iv)(C)(*2*)(*i*) and (c)(4)(iv)(C)(*2*)(*ii*) to appear as definitions in Section 726.200(i) to comport with Illinois Administrative Code codification requirements.

iv) Feed rate limits for metals, total chlorine and chloride, and ash. Feed rate limits for metals, total chlorine and chloride, and ash are established and monitored by knowing the

concentration of the substance (i.e., metals, chloride/chlorine, and ash) in each feedstream and the flow rate of the feedstream. To monitor the feed rate of these substances, the flow rate of each feedstream must be monitored under the continuous monitoring requirements of subsections (c)(4)(D)(i) through (c)(4)(D)(iii).

E) Certification of Compliance Statement. The following statement must accompany the certification of compliance:

"I certify under penalty of law that this information was prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information and supporting documentation. Copies of all emissions tests, dispersion modeling results, and other information used to determine conformance with the requirements of 35 Ill. Adm. Code 726.203(c) are available at the facility and can be obtained from the facility contact person listed above. Based on my inquiry of the person or persons who manage the facility, 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.

I also acknowledge that the operating limits established pursuant to 35 Ill. Adm. Code 726.203(c)(4)(D) are enforceable limits at which the facility can legally operate during interim status until a revised certification of compliance is submitted."

5) Special Requirements for HC Monitoring Systems. When an owner or operator is required to comply with the HC controls provided by Section 726.204(c) or subsection (a)(5)(A)(iv), a conditioned gas monitoring system may be used in conformance with specifications provided in Appendix I provided that the owner or operator submits a certification of compliance without using extensions of time provided by subsection (c)(7).

6) Special Operating Requirements for Industrial Furnaces that Recycle Collected PM. Owners and operators of industrial furnaces that recycle back into the furnace PM from the APCS must do the following:

A) When complying with the requirements of subsection (c)(3)(B)(i), comply with the operating requirements prescribed in "Alternative Method to Implement the Metals Controls" in Appendix I; and

B) When complying with the requirements of subsection (c)(3)(B)(ii), comply with the operating requirements prescribed by that subsection.

7) An owner or operator that did not submit a complete certification of compliance for all of the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 by August 21, 1992 must stop burning hazardous waste and begin closure activities under subsection (l) for the hazardous waste portion of the facility.

8) Revised Certification of Compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) under the following procedures:

A) Prior to submittal of a revised certification of compliance, hazardous waste must not be burned for more than a total of 720 hours under operating conditions that exceed those established under a current certification of compliance, and such burning must be conducted only for purposes of determining whether the facility can operate under revised conditions and continue to meet the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207;

B) At least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator must notify the Agency and submit the following information:

i) USEPA facility ID number, and facility name, contact person, telephone number, and address;

ii) Operating conditions that the owner or operator is seeking to revise and description of the changes in facility design or operation that prompted the need to seek to revise the operating conditions;

iii) A determination that, when operating under the revised operating conditions, the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 are not likely to be exceeded. To document this determination, the owner or operator must submit the applicable information required under subsection (b)(2); and

iv) Complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 when operating under revised operating conditions. The protocol must include a schedule of pre-testing and compliance testing. If the owner or operator revises the scheduled date for the compliance test, the owner or operator must notify the Agency in writing at least 30 days prior to the revised date of the compliance test;

C) Conduct a compliance test under the revised operating conditions and the protocol submitted to the Agency to determine compliance with the applicable emissions standards of Sections 726.204, 726.205, 726.206, and 726.207; and

D) Submit a revised certification of compliance under subsection (c)(4).

d) Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the Agency a recertification of compliance under provisions of subsection (c) within five years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, the owner or operator must comply with the requirements of subsection (c)(8).

e) Noncompliance with Certification Schedule. If the owner or operator does not comply with the interim status compliance schedule provided by subsections (b), (c), and (d), hazardous waste burning must terminate on the date that the deadline is missed, closure activities must begin under subsection (l), and hazardous waste burning must not resume except under an operating permit issued under 35 Ill. Adm. Code 703.232. For purposes of compliance with the closure provisions of subsection (l) and 35 Ill. Adm. Code 725.212(d)(2) and 725.213, the BIF has received "the known final volume of hazardous waste" on the date the deadline is missed.

f) Start-Up and Shut-Down. Hazardous waste (except waste fed solely as an ingredient under the Tier I (or adjusted Tier I) feed rate screening limits for metals and chloride/chlorine) must not be fed into the device during start-up and shut-down of the BIF, unless the device is operating within the conditions of operation specified in the certification of compliance.

g) Automatic Waste Feed Cutoff. During the compliance test required by subsection (c)(3) and upon certification of compliance under subsection (c), a BIF must be operated with a functioning system that automatically cuts off the hazardous waste feed when the applicable operating conditions specified in subsections (c)(1)(A) and

(c)(1)(E) through (c)(1)(M) deviate from those established in the certification of compliance. In addition, the following must occur:

1) To minimize emissions of organic compounds, the minimum combustion chamber temperature (or the indicator of combustion chamber temperature) that occurred during the compliance test must be maintained while hazardous waste or hazardous waste residues remain in the combustion chamber, with the minimum temperature during the compliance test defined as either of the following:

A) If compliance with the combustion chamber temperature limit is based on an hourly rolling average, the minimum temperature during the compliance test is considered to be the average over all runs of the lowest hourly rolling average for each run; or

B) If compliance with the combustion chamber temperature limit is based on an instantaneous temperature measurement, the minimum temperature during the compliance test is considered to be the time-weighted average temperature during all runs of the test; and

2) Operating parameters limited by the certification of compliance must continue to be monitored during the cutoff, and the hazardous waste feed must not be restarted until the levels of those parameters comply with the limits established in the certification of compliance.

h) Fugitive Emissions. Fugitive emissions must be controlled as follows:

1) By keeping the combustion zone totally sealed against fugitive emissions; or

2) By maintaining the combustion zone pressure lower than atmospheric pressure; or

3) By an alternative means of control that the owner or operator demonstrates provides fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure. Support for such demonstration must be included in the operating record.

i) Changes. A BIF must cease burning hazardous waste when combustion properties, or feed rates of the hazardous waste, other fuels or industrial furnace feedstocks, or the BIF design or operating conditions deviate from the limits specified in the certification of compliance.

j) Monitoring and Inspections

1) The owner or operator must monitor and record the following, at a minimum, while burning hazardous waste:

A) Feed rates and composition of hazardous waste, other fuels, and industrial furnace feed stocks and feed rates of ash, metals, and total chlorine and chloride as necessary to ensure conformance with the certification of precompliance or certification of compliance;

B) CO, oxygen, and, if applicable, HC on a continuous basis at a common point in the BIF downstream of the combustion zone and prior to release of stack gases to the atmosphere in accordance with the operating limits specified in the certification of compliance. CO, HC, and oxygen monitors must be installed, operated, and maintained in accordance with methods specified in Appendix I; and

C) Upon the request of the Agency, sampling and analysis of the hazardous waste (and other fuels and industrial furnace feed stocks as appropriate) and the stack gas emissions must be conducted to verify that the operating conditions established in the certification of precompliance or certification of compliance achieve the applicable standards of Sections 726.204, 726.205, 726.206, and 726.207.

2) The BIF and associated equipment (pumps, valves, pipes, fuel storage tanks, etc.) must be subjected to thorough visual inspection when they contain hazardous waste, at least daily for leaks, spills, fugitive emissions, and signs of tampering.

3) The automatic hazardous waste feed cutoff system and associated alarms must be tested at least once every seven days when hazardous waste is burned to verify operability, unless the owner or operator can demonstrate that weekly inspections will unduly restrict or upset operations and that less frequent inspections will be adequate. Support for such demonstration must be included in the operating record. At a minimum, operational testing must be conducted at least once every 30 days.

4) These monitoring and inspection data must be recorded and the records must be placed in the operating log.

k) Recordkeeping. The owner or operator must keep in the operating record of the facility all information and data required by this Section for five years.

l) Closure. At closure, the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters and scrubber sludges) from the BIF and must comply with 35 Ill. Adm. Code 725.211 through 725.215.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.204 Standards to Control Organic Emissions

a) Destruction Removal Efficiency (DRE) Standard

1) General. Except for subsection (a)(3), a boiler and industrial furnace (BIF) burning hazardous waste must achieve a DRE of 99.99 percent for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99 percent DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2)) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = 100\frac{(I - O)}{I}$$

Where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF

O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere

2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in compliance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in Appendix H to 35 Ill. Adm. Code 721 that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in Appendix H of 35 Ill. Adm. Code 721 or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.

3) Dioxin-Listed Waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Wastes Nos. F020, F021, F022, F023, F026, or F027 must achieve a DRE of 99.9999 percent for each POHC designated (under subsection (a)(2)) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta-

, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1). In addition, the owner or operator of the BIF must notify the Agency of intent to burn USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027.

4) Automatic Waiver of DRE Trial Burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) and are exempt from the DRE trial burn.

5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) and are exempt from the DRE trial burn.

b) CO Standard

1) Except for subsection (c), the stack gas concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to seven percent oxygen, dry gas basis.

2) CO and oxygen must be continuously monitored according to "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Appendix I.

3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.

c) Alternative CO Standard

1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit if stack gas concentrations of HCs do not exceed 20 ppmv, except for subsection (f) for certain industrial furnaces.

2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to seven percent oxygen, dry gas basis.

3) HC must be continuously monitored according to "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in

Appendix I. CO and oxygen must be continuously monitored according to subsection (b)(2).

4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to seven percent oxygen, dry gas basis.

d) Special Requirements for Furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits of subsection (c) or (f) irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b).

e) Controls for Dioxins and Furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450°F through 750°F, and industrial furnaces operating under an alternative HC limit established under subsection (f) must conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1×10^{-5} (1 in 100,000):

1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs/CDFs) using Method 0023A(Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans Emissions from Stationary Sources) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA publication number EPA-530/SW-846, or Method 23 (Determination of Polychlorinated Dibenzo-*p*-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources), incorporated by reference in 35 Ill. Adm. Code 720.111(b);

2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDDs/CDFs congeners using section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I). Multiply the emission rates of CDD/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;

3) Conduct dispersion modeling using methods recommended in appendix W to 40 CFR 51 (Guideline on Air Quality Models), in section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), or in "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised," USEPA publication number EPA-454/R-92-019, each incorporated by reference in 35 Ill. Adm. Code 720.111, to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2). The maximum annual average on-site concentration must be used when a person resides on-site; and

4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Appendix E (2.2×10^{-7}) must not exceed 1.0.

f) Monitoring CO and HC in the By-Pass Duct of a Cement Kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c), and (d) by monitoring in the by-pass duct if the following conditions are met:

1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and

2) The by-pass duct diverts a minimum of 10 percent of kiln off-gas into the duct.

g) Use of Emissions Test Data to Demonstrate Compliance and Establish Operating Limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) and comprehensive organic emissions testing under subsection (f) is conducted.

h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 48 Ill. Reg. 9930, effective June 20, 2024)

Section 726.205 Standards to Control PM

a) A BIF burning hazardous waste must not emit PM in excess of 180 mg/dry standard m^3 (0.08 grains/dry standard cubic foot) after correction to a stack gas concentration of seven percent oxygen, using procedures prescribed in the following methods in appendix A to 40 CFR 60 (Test Methods), each incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I): Method 1 (Sample and Velocity Traverses for Stationary Sources), Method 2 (Determination of Volatile Organic Compound Leaks), Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), Method 2E (Determination of Landfill Gas Production Flow Rate), Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), Method 4 (Determination of Moisture Content in Stack Gases), Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), and Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources).

b) An owner or operator meeting the requirements of Section 726.209(b) for the low risk waste exemption is exempt from the PM standard.

c) Oxygen Correction

1) Measured pollutant levels must be corrected for the amount of oxygen in the stack gas according to the following formula:

$$P_c = \frac{P_m \times 14}{E - Y}$$

Where:

P_c = the corrected concentration of the pollutant in the stack gas

P_m = the measured concentration of the pollutant in the stack gas

E = the oxygen concentration on a dry basis in the combustion air fed to the device

Y = the measured oxygen concentration on a dry basis in the stack

2) For devices that feed normal combustion air, E will equal 21 percent. For devices that feed oxygen-enriched air for combustion (that is, air with an oxygen concentration exceeding 21 percent), the value of E will be the concentration of oxygen in the enriched air.

3) Compliance with all emission standards provided by this Subpart H must be based on correcting to seven percent oxygen using this procedure.

d) For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 through 703.273.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.206 Standards to Control Metals Emissions

a) General. The owner or operator must comply with the metals standards provided by subsections (b), (c), (d), (e), or (f) for each metal listed in subsection (b) that is present in the hazardous waste at detectable levels using appropriate analytical methods.

BOARD NOTE: The federal regulations do not themselves define the phrase "appropriate analytical methods," but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] ...:

1. Appropriate methods are reliable and accepted as such in the scientific community.

2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

b) Tier I Feed Rate Screening Limits. Feed rate screening limits for metals are specified in Appendix A as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7).

1) Noncarcinogenic Metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed the screening limits specified in Appendix A.

A) The feed rate screening limits for antimony, barium, mercury, thallium, and silver are based on either of the following:

i) An hourly rolling average, as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or

ii) An instantaneous limit not to be exceeded at any time.

B) The feed rate screening limit for lead is based on one of the following:

i) An hourly rolling average, as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii);

ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or

iii) An instantaneous limit not to be exceeded at any time.

2) Carcinogenic Metals

A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Appendix A. The feed rate of each of these metals is limited to a

level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} \frac{A_i}{F_i} \leq 1.0$$

Where:

$\Sigma A_i/F_i$ = the sum of the values of A/F for each metal "i", from i = 1 to n

n = number of carcinogenic metals

A_i = the actual feed rate to the device for metal "i"

F_i = the feed rate screening limit provided by Appendix A for metal "i"

B) The feed rate screening limits for the carcinogenic metals are based on either:

i) An hourly rolling average; or

ii) An averaging period of two to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.

3) TESH (Terrain Adjusted Effective Stack Height)

A) The TESH is determined according to the following equation:

TESH = H + P - T

Where:

H = Actual physical stack height (m)

P = Plume rise (in m) as determined from Appendix F as a function of stack flow rate and stack gas exhaust temperature

T = Terrain rise (in m) within five kilometers of the stack

B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(i).

C) If the TESH calculated pursuant to subsection (b)(3)(A) is not listed in Appendices A through C, the values for the nearest lower TESH listed in the table must be used. If the TESH is four meters or less, a value based on four meters must be used.

4) Terrain Type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within five kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.

5) Land Use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Appendix I or J must be used.

6) Multiple Stacks. An owner or operator of a facility with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls must comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \times V \times T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise

H = physical stack height (meters)

V = stack gas flow rate (m^3/sec (cubic meters per second)

T = exhaust temperature (degrees K)

7) Criteria for Facilities Not Eligible for Screening Limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply.

Owners and operators of such facilities must comply with either the Tier III standards provided by subsection (d) or with the adjusted Tier I feed rate screening limits provided by subsection (e).

A) The device is located in a narrow valley less than one kilometer wide;

B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;

C) The device has a stack taller than 20 meters and is located within five kilometers of a shoreline of a large body of water such as an ocean or large lake; or

D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building.

8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.

c) Tier II Emission Rate Screening Limits. Emission rate screening limits are specified in Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7).

1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Appendix A.

2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^{n} \frac{A_i}{E_i} \leq 1.0$$

Where:

$\Sigma A_i/E_i$ = the sum of the values of A/E for each metal "i", from i = 1 to n

n = number of carcinogenic metals

A_i = the actual emission rate to the device for metal "i"

E_i = the emission rate screening limit provided by Appendix A for metal "i"

3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B). The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

4) Definitions and limitations. The definitions and limitations provided by subsection (b) and Section 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by this subsection (c): TESH, good engineering practice stack height, terrain type, land use, and criteria for facilities not eligible to use the screening limits.

5) Multiple Stacks

A) An owner or operator of a facility with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls must comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

B) The worst-case stack is determined by procedures provided in subsection (b)(6).

C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.

d) Tier III site-specific risk assessment. The requirements of this subsection (d) apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.

1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to

predict the maximum annual average off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded.

2) Acceptable Ambient Levels. Appendices D and E list the acceptable ambient levels for purposes of this Subpart H. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and 1×10^{-5} RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD, as described in subsection (d)(3).

3) Carcinogenic Metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\sum_{i=1}^{n} \frac{P_i}{R_i} \leq 1.0$$

Where:

$\Sigma P_i/R_i$= the sum of the values of P/R for each metal "i", from i = 1 to n

n = number of carcinogenic metals

P_i = the predicted ambient concentration for metal i

R_i = the RSD for metal i

4) Noncarcinogenic Metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.

5) Multiple Stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls must conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.

6) Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B). The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

e) Adjusted Tier I Feed Rate Screening Limits. The owner or operator may adjust the feed rate screening limits provided by Appendix A to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by Appendices D and E using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2).

f) Alternative Implementation Approaches

1) Pursuant to subsection (f)(2) the Agency must approve on a case-by-case basis approaches to implement the Tier II or Tier III metals emission limits provided by subsection (c) or (d) alternative to monitoring the feed rate of metals in each feedstream.

2) The emission limits provided by subsection (d) must be determined as follows:

A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Appendix D to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h); and

B) For each carcinogenic metal by the following methods:

i) By back-calculating from the RSD provided in Appendix E to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h); and

ii) If more than one carcinogenic metal is emitted, by selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i),

such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that subsection does not exceed 1.0.

g) Emission Testing1) General. Emission testing for metals must be conducted using Method 0060 (Determinations of Metals in Stack Emissions) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) Hexavalent Chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in Method 0061 (Determination of Hexavalent Chromium Emissions from Stationary Sources) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

h) Dispersion Modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in federal appendix W to 40 CFR 51 (Guideline on Air Quality Models), in section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure) in appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), or in "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", USEPA publication number EPA-454/R-92-019, each incorporated by reference in 35 Ill. Adm. Code 720.111(b), to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.

i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 through 703.273.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

a) General. The owner or operator must comply with the HCl and chlorine gas controls provided by subsection (b), (c), or (e).

b) Screening Limits

1) Tier I Feed Rate Screening Limits. Feed rate screening limits are specified for total chlorine in Appendix B as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels, and industrial furnace feed stocks must not exceed the levels specified.

2) Tier II Emission Rate Screening Limits. Emission rate screening limits for HCl and chlorine gas are specified in Appendix C as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.

3) Definitions and Limitations. The definitions and limitations provided by Sections 726.200(i) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use, and criteria for facilities not eligible to use the screening limits.

4) Multiple Stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls must comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).

B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.

C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.

c) Tier III Site-Specific Risk Assessments

1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.

2) Acceptable Ambient Levels. Appendix D lists the RACs for HCl (7 $\mu g/m^3$) and chlorine gas (0.4 $\mu g/m^3$).

3) Multiple Stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator, or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls must conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.

d) Averaging Periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels, and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and Tier III, the feed rate of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either of the following:

1) An hourly rolling average, as defined in Sections 726.200(i) and 726.202(e)(6); or

2) An instantaneous basis not to be exceeded at any time.

e) Adjusted Tier I Feed Rate Screening Limits. The owner or operator may adjust the feed rate screening limit provided by Appendix B to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Appendix D using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.

f) Emissions Testing. Emissions testing for HCl and chlorine gas (Cl_2) must be conducted using the procedures described in Method 0050 or 0051, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

g) Dispersion Modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).

h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 through 703.273.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.208 Small Quantity On-Site Burner Exemption

a) Exempt Quantities. An owner or operator of a facility that burns hazardous waste in an on-site BIF is exempt from Subpart H if the following conditions are met:

1) The quantity of hazardous waste burned in a device for a calendar month does not exceed the limits provided in Table A based on the TESH, as defined in Sections 726.200(i) and 726.206(b)(3).

2) The maximum hazardous waste firing rate does not exceed at any time one percent of the total fuel requirements for the device (hazardous waste plus other fuel) on a total heat input or mass input basis, whichever results in the lower mass feed rate of hazardous waste;

3) The hazardous waste has a minimum heating value of 5,000 Btu/lb, as generated; and

4) The hazardous waste fuel does not contain (and is not derived from) USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027.

b) Mixing with Non-Hazardous Fuels. If hazardous waste fuel is mixed with a non-hazardous fuel, the quantity of hazardous waste before mixing is used to comply with subsection (a).

c) Multiple Stacks. If an owner or operator burns hazardous waste in more than one on-site BIF exempt under this Section, the quantity limits provided by subsection (a)(1), are implemented according to the following equation:

$$\sum_{i=1}^{n} \frac{C_i}{L_i} \leq 1.0$$

Where:

$\Sigma (C_i/L_i)$ = the sum of the values of X for each stack i, from i = 1 to n

n = the number of stacks

C_i = Actual Quantity Burned means the waste quantity burned per month in device "i"

L_i = Allowable Quantity Burned means the maximum allowable exempt quantity for stack "i" from Table A

BOARD NOTE: Hazardous wastes that are subject to the special requirements for exemption for VSQGs under 35 Ill. Adm. Code 722.114 may be burned in an off-site device under the exemption provided by Section 726.208, but must be included in the quantity determination for the exemption.

d) Notification Requirements. The owner or operator of facilities qualifying for the small quantity burner exemption under this Section must provide a one-time signed, written notice to the Agency indicating the following:

1) The combustion unit is operating as a small quantity burner of hazardous waste;

2) The owner and operator are in compliance with the requirements of this Section; and

3) The maximum quantity of hazardous waste that the facility is allowed to burn per month, as provided by Section 726.208(a)(1).

e) Recordkeeping Requirements. The owner or operator must maintain at the facility for at least three years sufficient records documenting compliance with the hazardous waste quantity, firing rate and heating value limits of this Section. At a minimum, these records must indicate the quantity of hazardous waste and other fuel burned in each unit per calendar month and the heating value of the hazardous waste.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.209 Low Risk Waste Exemption

a) Waiver of DRE Standard. The DRE standard of Section 726.204(a) does not apply if the BIF is operated in conformance with subsection (a)(1), and the owner or operator demonstrates by procedures prescribed in subsection (a)(2), that the burning will not result in unacceptable adverse health effects.

1) The device must be operated as follows:

A) A minimum of 50 percent of fuel fired to the device must be fossil fuel, fuels derived from fossil fuel, tall oil, or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;

B) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb;

C) The hazardous waste is fired directly into the primary fuel flame zone of the combustion chamber; and

D) The device operates in conformance with the CO controls provided by Section 726.204(b)(1). Devices subject to the exemption provided by this Section are not eligible for the alternative CO controls provided by Section 726.204(c).

2) Procedures to demonstrate that the hazardous waste burning will not pose unacceptable adverse public health effects are as follows:

A) Identify and quantify those nonmetal compounds listed in Appendix H of 35 Ill. Adm. Code 721, that could reasonably be expected to be present in the hazardous waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained;

B) Calculate reasonable, worst case emission rates for each constituent identified in subsection (a)(2)(A), by assuming the device achieves 99.9 percent destruction and removal efficiency. That is, assume that 0.1 percent of the mass weight of each constituent fed to the device is emitted.

C) For each constituent identified in subsection (a)(2)(A), use emissions dispersion modeling to predict the maximum annual average ground level concentration of the constituent.

i) Dispersion modeling must be conducted using methods specified in Section 726.206(h).

ii) An owner or operator of a facility with more than one on-site stack from a BIF that is exempt under this Section must conduct dispersion modeling of emissions from all stacks exempt under this Section to predict ambient levels prescribed by this subsection (a)(2).

D) Ground level concentrations of constituents predicted under subsection (a)(2)(C), must not exceed the following levels:

i) For the noncarcinogenic compounds listed in Appendix D, the levels established in Appendix D.

ii) For the carcinogenic compounds listed in Appendix E:

$$\sum_{i=1}^{n} \frac{A_i}{L_i} \leq 1.0$$

Where:

$\Sigma (A_i/L_i)$ = the sum of the values of X for each carcinogen i, from i = 1 to n

n means the number of carcinogenic compounds

A_i = Actual ground level concentration of carcinogen "i"

L_i = Level established in Appendix E for carcinogen "i"

iii) For constituents not listed in Appendix D or E, 0.1 $\mu g/m^3$.

b) Waiver of Particulate Matter Standard. The PM standard of Section 726.205 does not apply if the following occur:

1) The DRE standard is waived under subsection (a); and

2) The owner or operator complies with the Tier I, or adjusted Tier I, metals feed rate screening limits provided by Section 726.206(b) or (e).

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.210 Waiver of DRE Trial Burn for Boilers

Boilers that operate under the special requirements of this Section, and that do not burn hazardous waste containing (or derived from) USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, are considered to be in conformance with the DRE standard of Section 726.204(a), and a trial burn to demonstrate DRE is waived. When burning hazardous waste:

a) A minimum of 50 percent of fuel fired to the devices must be fossil fuel, fuels derived from fossil fuel, tall oil, or, if approved by the Agency on a case-by-case basis, other nonhazardous fuel with combustion characteristics comparable to fossil fuel. Such fuels are termed "primary fuel" for purposes of this Section. (Tall oil is a fuel derived from vegetable and rosin fatty acids.) The 50 percent primary fuel firing rate must be determined on a total heat or mass input basis, whichever results in the greater mass feed rate of primary fuel fired;

b) Boiler load must not be less than 40 percent. Boiler load is the ratio at any time of the total heat input to the maximum design heat input;

c) Primary fuels and hazardous waste fuels must have a minimum as-fired heating value of 8,000 Btu/lb, and each material fired in a burner where hazardous waste is fired must have a heating value of at least 8,000 Btu/lb, as fired;

d) The device must operate in conformance with the CO standard provided by Section 726.204(b)(1). Boilers subject to the waiver of the DRE trial burn provided by this Section are not eligible for the alternative CO standard provided by Section 726.204(c);

e) The boiler must be a water tube type boiler that does not feed fuel using a stoker or stoker type mechanism; and

f) The hazardous waste must be fired directly into the primary fuel flame zone of the combustion chamber with an air or steam atomization firing system, mechanical atomization system or a rotary cup atomization system under the following conditions:

1) Viscosity. The viscosity of the hazardous waste fuel as fired must not exceed 300 SSU;

2) Particle size. When a high pressure air or steam atomizer, low pressure atomizer or mechanical atomizer is used, 70 percent of the hazardous waste fuel must pass through a 200 mesh (74 micron) screen, and when a rotary cup atomizer is used, 70 percent of the hazardous waste must pass through a 100 mesh (150 micron) screen;

3) Mechanical atomization systems. Fuel pressure within a mechanical atomization system and fuel flow rate must be maintained within the design range taking into account the viscosity and volatility of the fuel;

4) Rotary cup atomization systems. Fuel flow rate through a rotary cup atomization system must be maintained within the design range taking into account the viscosity and volatility of the fuel.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.211 Standards for Direct Transfer

a) Applicability. The regulations in this Section apply to owners and operators of BIFs subject to Section 726.202 or 726.203 if hazardous waste is directly transferred from a transport vehicle to a BIF without the use of a storage unit.

b) Definitions

1) When used in this Section, terms have the following meanings:

"Direct transfer equipment" means any device (including but not limited to, such devices as piping, fittings, flanges, valves and pumps) that is used to distribute, meter or control the flow of hazardous waste between a container (i.e., transport vehicle) and a BIF.

"Container" means any portable device in which hazardous waste is transported, stored, treated, or otherwise handled, and includes transport vehicles that are containers themselves (e.g., tank trucks, tanker-trailers, and rail tank cars) and containers placed on or in a transport vehicle.

2) This Section references several requirements provided in Subparts I and J of 35 Ill. Adm. Code 724 and Subparts I and J of 35 Ill. Adm. Code 725. For purposes of this Section, the term "tank systems" in those referenced requirements means direct transfer equipment, as defined in subsection (b)(1).

c) General Operating Requirements

1) No direct transfer of a pumpable hazardous waste must be conducted from an open-top container to a BIF.

2) Direct transfer equipment used for pumpable hazardous waste must always be closed, except when necessary to add or remove the waste, and must not be opened, handled, or stored in a manner that could cause any rupture or leak.

3) The direct transfer of hazardous waste to a BIF must be conducted so that it does not do any of the following:

A) Generate extreme heat or pressure, fire, explosion, or violent reaction;

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

D) Damage the structural integrity of the container or direct transfer equipment containing the waste;

E) Adversely affect the capability of the BIF to meet the standards provided by Sections 726.204 through 726.207; or

F) Threaten human health or the environment.

4) Hazardous waste must not be placed in direct transfer equipment, if it could cause the equipment or its secondary containment system to rupture, leak, corrode, or otherwise fail.

5) The owner or operator of the facility must use appropriate controls and practices to prevent spills and overflows from the direct transfer equipment or its secondary containment systems. These include the following at a minimum:

A) Spill prevention controls (e.g., check valves, dry discount couplings, etc.); and

B) Automatic waste feed cutoff to use if a leak or spill occurs from the direct transfer equipment.

d) Areas Where Direct Transfer Vehicles (Containers) Are Located. Applying the definition of container pursuant to this Section, owners and operators must comply with the following requirements:

1) The containment requirements of 35 Ill. Adm. Code 724.275;

2) The use and management requirements of Subpart I of 35 Ill. Adm. Code 725, except for Sections 725.270 and 725.274, and except that in lieu of the special requirements of 35 Ill. Adm. Code 725.276 for ignitable or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjacent property line that can be built upon, as required in Tables 2-1 through 2-6 of "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a). The owner or operator must obtain and keep on file at the facility a written certification by the local Fire Marshal that the installation meets the subject NFPA Codes; and

3) The closure requirements of 35 Ill. Adm. Code 724.278.

e) Direct Transfer Equipment. Direct transfer equipment must meet the following requirements:

1) Secondary Containment. For existing direct transfer equipment, an owner or operator must comply with the secondary containment requirements of 35 Ill. Adm. Code 725.293, except for Sections 725.293(a), (d), (e), and (i). For all new and direct transfer equipment, an owner or operator must comply

with these secondary containment requirements prior to their being put into service;

2) Requirements Prior to Meeting Secondary Containment Requirements

A) For existing direct transfer equipment that does not have secondary containment, the owner or operator must determine whether the equipment is leaking or is unfit for use. The owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 703.126(d) that attests to the equipment's integrity.

B) This assessment must determine whether the direct transfer equipment is adequately designed and has sufficient structural strength and compatibility with the wastes to be transferred to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

i) Design standards, if available, according to which the direct transfer equipment was constructed;

ii) Hazardous characteristics of the wastes that have been or will be handled;

iii) Existing corrosion protection measures;

iv) Documented age of the equipment, if available, (otherwise, an estimate of the age); and

v) Results of a leak test or other integrity examination such that the effects of temperature variations, vapor pockets, cracks, leaks, corrosion and erosion are accounted for.

C) If, as a result of the assessment specified above, the direct transfer equipment is found to be leaking or unfit for use, the owner or operator must comply with the requirements of 35 Ill. Adm. Code 725.296(a) and (b).

3) Inspections and Recordkeeping

A) The owner or operator must inspect at least once each operating hour when hazardous waste is being transferred from the transport vehicle (container) to the BIF:

i) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems, and drainage systems) to ensure that it is in good working order;

ii) The above ground portions of the direct transfer equipment to detect corrosion, erosion, or releases of waste (e.g., wet spots, dead vegetation, etc.); and

iii) Data gathered from monitoring equipment and leak-detection equipment, (e.g., pressure and temperature gauges) to ensure that the direct transfer equipment is being operated according to its design.

B) The owner or operator must inspect cathodic protection systems, if used, to ensure that they are functioning properly according to the schedule provided by 35 Ill. Adm. Code 725.295(b).

C) Records of inspections made pursuant to this subsection (e)(3) must be maintained in the operating record at the facility, and available for inspection for at least three years from the date of the inspection.

4) Design and Installation of New Ancillary Equipment. Owners and operators must comply with the requirements of 35 Ill. Adm. Code 725.292.

5) Response to Leaks or Spills. Owners and operators must comply with the requirements of 35 Ill. Adm. Code 725.296.

6) Closure. Owners and operators must comply with the requirements of 35 Ill. Adm. Code 725.297, except for 35 Ill. Adm. Code 725.297(c)(2) through (c)(4).

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.212 Regulation of Residues

A residue derived from the burning or processing of hazardous waste in a BIF is not excluded from the definition of a hazardous waste under 35 Ill. Adm. Code 721.104(b)(4), (b)(7), or (b)(8), unless the device and the owner or operator meet the following requirements:

a) The device meets the following criteria:

1) Boilers. Boilers must burn at least 50 percent coal on a total heat input or mass basis, whichever results in the greater mass feed rate of coal;

2) Ore or Mineral Furnaces. Industrial furnaces subject to 35 Ill. Adm. Code 721.104(b)(7) must process at least 50 percent by weight of normal, nonhazardous raw materials;

3) Cement Kilns. Cement kilns must process at least 50 percent by weight of normal cement-production raw materials;

b) The owner or operator demonstrates that the hazardous waste does not significantly affect the residue by demonstrating conformance with either of the following criteria:

1) Comparison of Waste-Derived Residue with Normal Residue. The waste-derived residue must not contain constituents listed in Appendix H of 35 Ill. Adm. Code 721 (toxic constituents) that could reasonably be attributable to the hazardous waste at concentrations significantly higher than in residue generated without burning or processing of hazardous waste, using the following procedure. Toxic compounds that could reasonably be attributable to burning or processing the hazardous waste (constituents of concern) include toxic constituents in the hazardous waste, and the organic compounds listed in Appendix H to 35 Ill. Adm. Code 721 that may be PICs. For polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans, analyses must be performed to determine specific congeners and homologues, and the results converted to 2,3,7,8-TCDD equivalent values using the procedure specified in section 4.0 of the documents referenced in Appendix I.

A) Normal Residue. Concentrations of toxic constituents of concern in normal residue must be determined based on analyses of a minimum of 10 samples representing a minimum of 10 days of operation. Composite samples may be used to develop a sample for analysis provided that the compositing period does not exceed 24 hours. The upper tolerance limit (at 95 percent confidence with a 95 percent proportion of the sample distribution) of the concentration in the normal residue must be considered the statistically-derived concentration in the normal residue. If changes in raw materials or fuels reduce the statistically-derived concentrations of the toxic constituents of concern in the normal residue, the statistically-derived concentrations must be revised or statistically-derived concentrations of toxic constituents in normal residue must be established for a new mode of operation with the new raw material or fuel. To determine the upper tolerance limit in the normal residue, the owner or operator must use statistical procedures prescribed in section 7.0 (Statistical Methodology for Bevill Residue Determinations) in federal appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), USEPA publication number EPA-

454/R-92-019, incorporated by reference in 35 Ill. Adm. Code 720.111(b) (see Appendix I).

B) Waste-Derived Residue. Waste derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the concentrations established for the normal residue under subsection (b)(1)(A). If so, hazardous waste burning has significantly affected the residue and the residue is not excluded from the definition of "hazardous waste". Concentrations of toxic constituents in waste-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite sample for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent must be the arithmetic mean of the concentrations in the samples. No results can be disregarded; or

2) Comparison of Waste-Derived Residue Concentrations with Health-Based Limits

A) Nonmetal Constituents. The concentration of each nonmetal toxic constituent of concern (specified in subsection (b)(1)) in the waste-derived residue must not exceed the health-based level specified in Appendix G, or the level of detection, whichever is higher. If a health-based limit for a constituent of concern is not listed in Appendix G, then a limit of 0.002 µg/kg or the level of detection (using appropriate analytical methods), whichever is higher, must be used. The levels specified in Appendix G (and the default level of 0.002 µg/kg or the level of detection for constituents, as identified in Note 1 of Appendix G) are administratively stayed under the condition, for those constituents specified in subsection (b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table T of 35 Ill. Adm. Code 728 for F039 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of the best good-faith efforts, as defined by applicable USEPA guidance and standards, the owner or operator is deemed to be in compliance for that constituent. Until USEPA develops new guidance or standards, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above (ten times) the level provided by 35 Ill. Adm. Code 728.143 and Table T

of 35 Ill. Adm. Code 728 for F039 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, analyses must be performed for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzofurans, total tetrachlorodibenzo-p-dioxins, and total tetrachlorodibenzofurans;

BOARD NOTE: In a note to corresponding 40 CFR 266.112(b)(2)(i), USEPA stated as follows:

> The administrative stay, under the condition that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 for F039 nonwastewaters, remains in effect until further administrative action is taken and notice is published in the Federal Register and the Code of Federal Regulations.

Under section 3006(b) and (g) of RCRA, 42 USC 6926(b) and (g), federal amendments do not go into effect in Illinois until the State of Illinois incorporates them into the State program. This applies unless the authority under which USEPA adopted the amendments is the Hazardous and Solid Waste Amendments of 1984 (HSWA), in which case the federal amendments become effective in Illinois on their federal effective date.

The federal regulations do not themselves define the phrase "appropriate analytical methods," but USEPA did include a definition in its preamble discussion accompanying the rule. The Board directs attention to the following segment (at 70 Fed. Reg. 34538, 34541 (June 14, 2005)) for the purposes of subsections (b)(1)(C) and (b)(1)(D):

> [T]wo primary considerations in selecting an appropriate method, which together serve as our general definition of an appropriate method [are the following] ...:
>
> 1. Appropriate methods are reliable and accepted as such in the scientific community.
>
> 2. Appropriate methods generate effective data.

USEPA went on to further elaborate these two concepts and to specify other documents that might provide guidance.

B) Metal Constituents. The concentration of metals in an extract obtained using the TCLP test must not exceed the levels specified in Appendix G;

C) Sampling and Analysis. Wastewater-derived residue must be sampled and analyzed as often as necessary to determine whether the residue generated during each 24-hour period has concentrations of toxic constituents that are higher than the health-based levels. Concentrations of concern in the wastewater-derived residue must be determined based on analysis of one or more samples obtained over a 24-hour period. Multiple samples may be analyzed, and multiple samples may be taken to form a composite for analysis provided that the sampling period does not exceed 24 hours. If more than one sample is analyzed to characterize waste-derived residues generated over a 24-hour period, the concentration of each toxic constituent is the arithmetic mean of the concentrations of the samples. No results can be disregarded; and

c) Records sufficient to document compliance with the provisions of this Section must be retained until closure of the BIF unit. At a minimum, the following must be recorded:

1) Levels of constituents in Appendix H of 35 Ill. Adm. Code 721 that are present in waste-derived residues;

2) If the waste-derived residue is compared with normal residue under subsection (b)(1):

A) The levels of constituents in Appendix H to 35 Ill. Adm. Code 721 that are present in normal residues; and

B) Data and information, including analyses of samples as necessary, obtained to determine if changes in raw materials or fuels would reduce the concentration of toxic constituents of concern in the normal residue.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.219 Extensions of Time

The owner or operator may request a case-by-case extension of time to extend any time limit provided by Section 726.203(c). The operator must file a petition for a RCRA variance pursuant to 35 Ill. Adm. Code 104. The Board will grant the variance if compliance with the time limit is not practicable for reasons beyond the control of the owner or operator.

a) In granting an extension, the Board will apply conditions as the facts warrant to ensure timely compliance with the requirements of Section 726.203 and that the facility operates in a manner that does not pose a hazard to human health and the environment;

b) When an owner and operator requests an extension of time to enable the facility to comply with the alternative hydrocarbon provisions of Section 726.204(f) and obtain a RCRA permit because the facility cannot meet the HC limit of Section 726.204(c):

1) The Board will do the following, in considering whether to grant the extension:

A) Determine whether the owner and operator have submitted in a timely manner a complete Part B permit application that includes information required under 35 Ill. Adm. Code 703.208(b); and

B) Consider whether the owner and operator have made a good faith effort to certify compliance with all other emission controls, including the controls on dioxins and furans of Section 726.204(e) and the controls on PM, metals and HCl/chlorine gas.

2) If an extension is granted, the Board will, as a condition of the extension, require the facility to operate under flue gas concentration limits on CO and HC that, based on available information, including information in the Part B permit application, are baseline CO and HC levels as defined by Section 726.204(f)(1).

BOARD NOTE: Derived from 40 CFR 266.103(c)(7)(ii) (2017).

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

SUBPART M: MILITARY MUNITIONS

Section 726.300 Applicability

a) The regulations in this Subpart M identify when military munitions become a solid waste, and, if these wastes are also hazardous under this Subpart M or 35 Ill. Adm. Code 721, the management standards that apply to these wastes.

b) Unless otherwise specified in this Subpart M, all applicable requirements in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738 apply to waste military munitions.

(Source: Amended at 31 Ill. Reg. 1096, effective December 20, 2006)

Section 726.301 Definitions

In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart M:

"Active range" means a military range that is currently in service and is being regularly used for range activities.

"Chemical agents" and "chemical munitions" are defined as in the Department of Defense Authorization Act of 1986, 50 USC 1521(j)(1), incorporated by reference in 35 Ill. Adm. Code 720.111.

"Director" is as defined in 35 Ill. Adm. Code 702.110.

"Explosives or munitions emergency response specialist" is as defined in 35 Ill. Adm. Code 720.110.

"Explosives or munitions emergency" is as defined in 35 Ill. Adm. Code 720.110.

"Explosives or munitions emergency response" is as defined in 35 Ill. Adm. Code 720.110.

"Inactive range" means a military range that is not currently being used but which is still under military control and considered by the military to be a potential range area and which has not been put to a new use that is incompatible with range activities.

"Military" means the United States (U.S.) Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE) or other parties under contract or acting as an agent for the foregoing who handle military munitions.

"Military munitions" is as defined in 35 Ill. Adm. Code 720.110.

"Military range" means designated land and water areas that are set aside; managed; and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems or areas that are set aside, managed, and used to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

"Unexploded ordnance" or "UXO" means military munitions that have been primed, fused, armed, or otherwise prepared for action and that have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.302 Definition of Solid Waste

a) A military munition is not a solid waste when any of the following situations describes the munition:

1) It is used for its intended purpose, including any of the following uses:

A) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions);

B) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

C) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

2) It is an unused munition, or component thereof, it is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal, as defined in 35 Ill. Adm. Code 721.102(c)(1), or it is burned for energy recovery, as defined in 35 Ill. Adm. Code 721.102(c)(2).

b) An unused military munition is a solid waste when any of the following occurs:

1) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in subsection (a)), incinerated, or treated prior to disposal;

2) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, incinerated, or treated prior to disposal;

3) The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

4) The munition has been declared a solid waste by an authorized military official.

c) A used or fired military munition is a solid waste when either of the following occurs with regard to the munition:

1) The munition is transported off-range or from the site of use (where the site of use is not a range) for the purpose of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

2) The munition is recovered, collected, and then disposed of by burial or landfilling either on or off a range.

d) For purposes of RCRA section 1004(27) (42 USC 6903(27)), a used or fired military munition is a solid waste, and, therefore, is potentially subject to RCRA corrective action authorities under sections 3004(u) and (v) (42 USC 6924(u) and (v)), and 3008(h) (42 USC 6928(h)) or to imminent and substantial endangerment authorities under section 7003 (42 USC 6963) if the munition lands off-range and is not promptly rendered safe or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions

a) Criteria for Hazardous Waste Regulation of Waste Non-Chemical Military Munitions in Transportation

1) Waste military munitions that are being transported and which exhibit a hazardous waste characteristic or which are listed as hazardous waste pursuant to 35 Ill. Adm. Code 721 are subject to regulation pursuant to 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738, unless the munitions meet all the following conditions:

A) The waste military munitions are not chemical agents or chemical munitions;

B) The waste military munitions are transported in accordance with the Department of Defense shipping controls applicable to the transport of military munitions;

C) The waste military munitions are transported from a military-owned or -operated installation to a military-owned or -operated treatment, storage, or disposal facility; and

D) The transporter of the waste must provide oral notice to the Agency within 24 hours from the time when either the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) occurs that may endanger human health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time when the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) occurs.

2) If any waste military munitions shipped pursuant to subsection (a)(1) are not received by the receiving facility within 45 days after the day the waste was shipped, the owner or operator of the receiving facility must report this non-receipt to the Agency within five days.

3) The conditional exemption from regulation as hazardous waste in subsection (a)(1) must apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment, or disposal.

4) The conditional exemption in subsection (a)(1) applies only so long as all of the conditions in subsection (a)(1) are met.

b) Reinstatement of Conditional Exemption

1) If any waste military munition loses its conditional exemption pursuant to subsection (a)(1), the transporter may file with the Agency an application for reinstatement of the conditional exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1).

2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it must reinstate the conditional exemption of subsection (a)(1) in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption must be based on the nature of the risks to human health and the environment posed by the waste and either the transporter's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the

application. In reinstating the conditional exemption pursuant to subsection (a)(1), the Agency may specify additional conditions as are necessary to ensure and document proper transportation to adequately protect human health and the environment. If the Agency does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement must be deemed granted, retroactive to the date of the application.

3) The Agency may terminate a conditional exemption reinstated by default pursuant to subsection (b)(2) in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (b)(2). If the Agency terminates a reinstated exemption, it must transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

4) The applicant pursuant to this subsection (b) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act.

c) Amendments to DOD Shipping Controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in subsection (a)(1)(B) are Government Bill of Lading (GBL) (GSA Standard Form 1103, supplemented as necessary with GSA Standard Form 1109), Requisition Tracking Form (DD Form 1348), the Signature and Talley Record (DD Form 1907), DOD Multimodal Dangerous Goods Declaration (DD Form 2890), and the Motor Vehicle Inspection Report (DD Form 626), each incorporated by reference in 35 Ill. Adm. Code 720.111(a).

BOARD NOTE: Corresponding federal provision 40 CFR 266.203(c) further provides as follows: "Any amendments to the Department of Defense shipping controls must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the shipping controls referenced in paragraph (a)(1)(ii) of this section have been amended." (40 CFR 266.203(a)(1)(ii) corresponds with 35 Ill. Adm. Code 726.303(a)(1)(B).) Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested persons or the Agency will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.304 Standards Applicable to Emergency Responses

Explosives and munitions emergencies involving military munitions or explosives are subject to 35 Ill. Adm. Code 722.110(i), 723.110(e), 724.101(g)(8), 725.101(c)(11), and 703.121(c)(3) or, alternatively, to 35 Ill. Adm. Code 703.221.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions

a) Criteria for Hazardous Waste Regulation of Waste Non-Chemical Military Munitions in Storage

1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste (and thus are subject to regulation under 35 Ill. Adm. Code 702, 703, 705, 720 through 728, 733, 738, and 739), unless all the following conditions are met:

A) The waste military munitions are not chemical agents or chemical munitions;

B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);

C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions;

D) Within 90 days of when a storage unit is first used to store waste military munitions, the owner or operator must notify the Agency of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in subsection (a)(1) is claimed;

E) The owner or operator must provide oral notice to the Agency within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of subsection (a)(1) that may endanger health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of subsection (a)(1);

F) The owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of subsection (a)(1),

and must maintain records of the findings of these inventories and inspections for at least three years; and

G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

2) The conditional exemption in subsection (a)(1) from regulation as hazardous waste must apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

3) The conditional exemption in subsection (a)(1) applies only so long as all of the conditions in subsection (a)(1) are met.

b) Notice of Termination of Waste Storage. The owner or operator must notify the Agency when a storage unit identified in subsection (a)(1)(D) will no longer be used to store waste military munitions.

c) Reinstatement of Conditional Exemption

1) If any waste military munition loses its conditional exemption under subsection (a)(1), an application may be filed with the Agency for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1).

2) If the Agency finds that reinstatement of the conditional exemption is appropriate, it must reinstate the conditional exemption of subsection (a)(1) in writing. The Agency's decision to reinstate or not to reinstate the conditional exemption must be based on two considerations: first, the nature of the risks to human health and the environment posed by the waste; and second, either the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation or any demonstration that the violations are not likely to recur. If the Agency denies an application, it must transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. In reinstating the conditional exemption under subsection (a)(1), the Agency may specify additional conditions as are necessary to ensure and document proper storage to adequately protect human health and the environment.

3) The Agency may terminate a conditional exemption reinstated by default under subsection (c)(2) in writing if it finds that reinstatement is inappropriate based on its consideration of the factors set forth in subsection (c)(2). If the Agency terminates a reinstated exemption, it must

transmit to the applicant specific, detailed statements in writing as to the reasons it terminated the reinstated exemption.

4) The applicant under this subsection (c) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board under Section 40 of the Act.

d) Waste Chemical Munitions

1) Waste military munitions are subject to the applicable regulatory requirements of RCRA subtitle C if the munitions satisfy two conditions: first, they are chemical agents or chemical munitions; and second, they exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721.

2) Waste military munitions are not subject to the storage prohibition in RCRA section 3004(j), codified at 35 Ill. Adm. Code 728.150, if the munitions satisfy two conditions: first, they are chemical agents or chemical munitions; and second, they exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721.

e) Amendments to DDESB Storage Standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (a)(1)(C), are DESR 6055.09 D ("Defense Explosives Safety Regulation 6055.09, Edition 1"), in effect on January 13, 2019, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding federal provision 40 CFR 266.205(e), as added at 62 Fed. Reg. 6656 (Feb. 12, 1997), further provides as follows: "Any amendments to the DDESB storage standards must become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in paragraph (a)(1) of this section have been amended." Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Amended at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

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.

(Source: Amended at 31 Ill. Reg. 1096, effective December 20, 2006)

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section 726.310 Definitions

Terms are defined as follows for the purposes of this Subpart N:

"CERCLA reportable quantity" means that quantity of a particular substance designated by USEPA in federal 40 CFR 302.4 pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 USC 9601 et seq.) for which notification is required upon a release to the environment.

"Certified delivery" means certified mail with return receipt requested, equivalent courier service, or other means that provides the sender with a receipt confirming delivery.

"Director" is as defined in 35 Ill. Adm. Code 702.110.

"Eligible naturally occurring or accelerator-produced radioactive material" means naturally occurring or accelerator-produced radioactive material (NARM) that is eligible for a transportation and disposal conditional exemption. It is a NARM waste that contains RCRA hazardous waste, meets the waste acceptance criteria of, and is allowed by State NARM regulations to be disposed of at a low-level radioactive waste disposal facility (LLRWDF) licensed in accordance with 10 CFR 61, IEMA regulations, or the equivalent regulations of a licensing agency in another state.

BOARD NOTE: The IEMA regulations are codified at 32 Ill. Adm. Code: Chapter II, Subchapters b and d.

"Exempted waste" means a waste that meets the eligibility criteria in Section 726.325 and all of the conditions in Section 726.330 or a waste that meets the eligibility criteria in Section 726.410 and which complies with all the conditions in Section 726.415. Such waste is conditionally exempted from the regulatory definition of hazardous waste in 35 Ill. Adm. Code 721.103.

"Hazardous waste" means hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"IEMA" means the Illinois Emergency Management Agency, the State of Illinois agency charged with regulating source, by-product, and special nuclear material in Illinois in accordance with an agreement between the State and the federal Nuclear Regulatory Commission (NRC) under section 274(b) of the federal Atomic Energy Act of 1954, as amended (42 USC 2021(b)).

BOARD NOTE: In addition to the materials regulated under this Part, IEMA regulates radioactive materials under the Radiation Protection Act of 1990 [420 ILCS 40] that are not licensed by the federal NRC. For the purposes of notices to IEMA required under this Subpart N, the address is as follows:

Illinois Emergency Management Agency
2200 South Dirksen Parkway
Springfield, Illinois 62703

"Land disposal restriction treatment standards" or "LDR treatment standards" means treatment standards, under 35 Ill. Adm. Code 728, that a RCRA hazardous waste must meet before it can be disposed of in a RCRA hazardous waste land disposal unit.

"License" means a license issued by the federal NRC or IEMA to a user that manages radionuclides regulated by the federal NRC or IEMA under authority of the Atomic Energy Act of 1954, as amended (42 USC 2014 et seq.) or the Radiation Protection Act of 1990.

"Low-level mixed waste" or "LLMW" is a waste that contains both low-level radioactive waste and RCRA hazardous waste.

"Low-level radioactive waste" or "LLRW" is a radioactive waste that contains source, by-product, or special nuclear material and which is not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material, as defined in section 11(e)(2) of the Atomic Energy Act of 1954 (42 USC 2014(e)(2)), incorporated by reference in 35 Ill. Adm. Code 720.111(b). (See also the NRC definition of waste at federal 10 CFR 61.2.)

BOARD NOTE: This definition differs from the similar definitions of low-level radioactive waste in the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3(k)], the Central Midwest Interstate Low-Level Radioactive Waste Compact Act [45 ILCS 140/1, Article II(k)], and 32 Ill. Adm. Code 606.20(g) of the IEMA regulations. Those basically define low-level radioactive waste as radioactive waste that is not high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material, as such are defined in section 11 of the federal Atomic Energy Act of 1954 (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"Mixed waste" means a waste that contains both RCRA hazardous waste and source, by-product, or special nuclear material subject to the Atomic Energy Act of 1954, as amended (42 USC 2014 et seq.).

BOARD NOTE: This definition differs from the similar definitions of mixed waste in the Illinois Low-Level Radioactive Waste Management Act and 32 Ill. Adm. Code 606.20(h) of the IEMA regulations. Those basically define mixed waste as containing both RCRA hazardous waste and low-level radioactive waste, as such is defined under Section 3(k) of the Illinois Low-Level Radioactive Waste Management Act.

"Naturally occurring or accelerator-produced radioactive material" or "NARM" means a radioactive material that fulfills one of the following conditions:

It is naturally occurring and it is not a source, by-product, or special nuclear material, as defined in section 11 of the federal Atomic Energy Act of 1954 (42 USC 2014), incorporated by reference in 35 Ill. Adm. Code 720.111(c); or

It is produced by an accelerator.

BOARD NOTE: NARM is regulated by the State, under the Radiation Protection Act of 1990 and 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or by the federal Department of Energy (DOE), as authorized by the federal Atomic Energy Act (42 USC 2014 et seq.), under DOE regulations and orders.

"NRC" means the United States Nuclear Regulatory Commission.

BOARD NOTE: For the purposes of notices to the NRC required under this Subpart N, the address is as follows:

U.S. Nuclear Regulatory Commission, Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.320 Storage and Treatment Conditional Exemption

The storage and treatment conditional exemption exempts low-level mixed waste from the regulatory definition of hazardous waste in 35 Ill. Adm. Code 721.103 if the waste meets the eligibility criteria in Section 726.325 and the generator meets the conditions in Section 726.330.

(Source: Added at 26 Ill. Reg. 6667, effective April 22, 2002)

Section 726.325 Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste

Low-level mixed waste (LLMW), as defined in Section 726.310, is eligible for a storage and treatment conditional exemption if it is generated and managed by a person under a single federal NRC or IEMA license. (Mixed waste generated at a facility with a different license number and shipped to a different person's facility for storage or treatment requires a permit, and such mixed waste is ineligible for this exemption. In addition, NARM waste is ineligible for this exemption.)

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption

a) For LLMW to qualify for the exemption, the generator must notify the Agency and the IEMA in writing by certified delivery that it is claiming a storage and treatment conditional exemption for the LLMW stored on the generator's facility. The dated notification must include the generator's name, address, RCRA identification number, federal NRC or IEMA license number, the USEPA hazardous waste numbers and storage units for which the generator is seeking an exemption, and a statement that the generator meets the conditions of this Subpart N. The generator's notification must be signed by the generator's authorized representative who certifies that the information in the notification is true, accurate, and complete. The generator must notify the Agency of its claim within 90 days after a storage unit is first used to store conditionally exempt LLMW.

b) To qualify for and maintain an exemption for LLMW, the generator must do each of the following:

1) Store its LLMW waste in tanks or containers in compliance with the requirements of its license that apply to the proper storage of low-level radioactive waste (not including those license requirements that relate solely to recordkeeping);

2) Store its LLMW in tanks or containers in compliance with chemical compatibility requirements of a tank or container in 35 Ill. Adm. Code 724.277 or 724.299 or 35 Ill. Adm. Code 725.277 or 725.299;

3) Certify that facility personnel who manage stored conditionally exempt LLMW are trained in a manner that ensures that the conditionally exempt waste is safely managed and that the training includes training in chemical waste management and hazardous materials incidents response that meets the personnel training standards found in 35 Ill. Adm. Code 725.116(a)(3);

4) Conduct an inventory of its stored conditionally exempt LLMW at least annually and inspect the waste at least quarterly for compliance with this Subpart N; and

5) Maintain an accurate emergency plan and provide it to all local authorities who may have to respond to a fire, explosion, or release of hazardous waste or hazardous constituents. The generator's plan must describe emergency response arrangements with local authorities; describe evacuation plans; list the names, addresses, and telephone numbers of all facility personnel qualified to work with local authorities as emergency coordinators; and list emergency equipment.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.335 Treatment Allowed by a Storage and Treatment Conditional Exemption

The generator may treat its low-level mixed waste at its facility within a tank or container in accordance with the terms of its federal NRC or IEMA license. Treatment that cannot be done in a tank or container without a RCRA permit (such as incineration) is not allowed under this exemption.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action

a) A generator's LLMW will automatically lose the storage and treatment conditional exemption if the generator fails to meet any of the conditions specified in Section 726.330. When a generator's LLMW loses the exemption, the generator must immediately manage that waste which failed the condition as RCRA hazardous waste, and the storage unit storing the LLMW immediately becomes subject to RCRA hazardous waste container or tank storage requirements.

1) If a generator fails to meet any of the conditions specified in Section 726.330, the generator must report to the Agency, the Illinois DNS, and the NRC in writing by certified delivery within 30 days after learning of the failure. The generator's report must be signed by the generator's authorized representative certifying that the information provided is true, accurate, and complete. This report must include the following:

A) The specific conditions that the generator failed to meet;

B) A description of the LLMW (including the waste name, hazardous waste codes and quantity) and storage location at the facility; and

C) The dates on which the generator failed to meet the conditions.

2) If the failure to meet any of the conditions may endanger human health or the environment, the generator must also immediately notify the Agency orally within 24 hours and follow up with a written notification within five days. A failure that may endanger human health or the environment may include, but is not limited to, discharge of a CERCLA reportable quantity or other leaking or exploding tanks or containers, or detection of radionuclides above background or hazardous constituents in the leachate collection system of a storage area. If the failure may endanger human health or the environment, the generator must follow the provisions of its emergency plan.

b) The Board may, by an order issued in an enforcement proceeding against the generator, terminate the generator's conditional exemption for its LLMW, or require the generator to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirements of this Subpart N.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption

a) A generator may reclaim a lost storage and treatment conditional exemption for its LLMW if the following conditions are fulfilled:

1) The generator again meets the conditions specified in Section 726.330; and

2) The generator sends the Agency a notice by certified delivery that the generator is reclaiming the exemption for its LLMW. The generator's notice must be signed by its authorized representative certifying that the information contained in the generator's notice is true, complete, and accurate. In its notice, the generator must do the following:

A) Explain the circumstances of each failure.

B) Certify that the generator has corrected each failure that caused it to lose the exemption for its LLMW and that the generator again meets all the conditions as of the date that the generator specifies.

C) Describe plans that the generator has implemented, listing specific steps that it has taken, to ensure that the conditions will be met in the future.

D) Include any other information that the generator wants the Agency to consider when it reviews the generator's notice reclaiming the exemption.

b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act, that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.330. In reviewing a reclaimed conditional exemption pursuant to this Section, the Agency may add conditions to the exemption to ensure that waste management during storage and treatment of the LLMW will adequately protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.350 Recordkeeping for a Storage and Treatment Conditional Exemption

a) In addition to those records required by the generator's federal NRC or IEMA license, the generator must keep records as follows:

1) The generator's initial notification records, return receipts, reports to the Agency of failures to meet the exemption conditions, and all records supporting any reclaim of an exemption;

2) Records of the generator's LLMW annual inventories and quarterly inspections;

3) The generator's certification that facility personnel who manage stored mixed waste are trained in safe management of LLMW including training in chemical waste management and hazardous materials incidents response; and

4) The generator's emergency plan, as specified in Section 726.330(b).

b) The generator must maintain records concerning notification, personnel trained, and its emergency plan for as long as the generator claims this exemption and for three years thereafter, or in accordance with federal NRC regulations (10 CFR 20) or under IEMA regulations (32 Ill. Adm. Code: Chapter II, Subchapter b), whichever is longer. A generator must maintain records concerning its annual inventory and quarterly inspections for three years after the waste is sent for disposal, or in accordance with federal NRC regulations (10 CFR 20) or under IEMA regulations (32 Ill. Adm. Code: Chapter II, Subchapter b), whichever is longer.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption

a) When a generator's LLMW has met the requirements of its federal NRC or IEMA license for decay-in-storage and can be disposed of as non-radioactive waste, then the conditional exemption for storage no longer applies. On that date the generator's waste is subject to hazardous waste regulation under the relevant provisions of 35 Ill. Adm. Code 702, 703, 720 through 728, and 738, and the time period for accumulation of a hazardous waste, as specified in 35 Ill. Adm. Code 722.116 or 722.117 begins.

b) When a generator's conditionally exempt LLMW, which has been generated and stored under a single federal NRC or IEMA license number, is removed from storage, it is no longer eligible for the storage and treatment exemption. However, a generator's waste may be eligible for the transportation and disposal conditional exemption at Section 726.405.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.360 Applicability of Closure Requirements to Storage Units

An interim status or permitted storage unit that was used to store only LLMW prior to April 22, 2002 and which, after that date, stores only LLMW that becomes exempt under this Subpart N, is not subject to the closure requirements of 35 Ill. Adm. Code 724 and 725. A storage unit (or portions of units) that has been used to store both LLMW and non-mixed hazardous waste remains subject to closure requirements with respect to the non-mixed hazardous waste.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.405 Transportation and Disposal Conditional Exemption

A transportation and disposal conditional exemption exempts a generator's waste from the regulatory definition of hazardous waste in 35 Ill. Adm. Code 721.103 if the generator's waste meets the eligibility criteria under Section 726.410, and the generator meets the conditions in Section 726.415.

(Source: Added at 26 Ill. Reg. 6667, effective April 22, 2002)

Section 726.410 Wastes Eligible for a Transportation and Disposal Conditional Exemption

Eligible waste must be one or both of the following:

a) A low-level mixed waste (LLMW), as defined in Section 726.310, that meets the waste acceptance criteria of a LLRWDF; or

b) An eligible NARM waste, defined in Section 726.310.

(Source: Added at 26 Ill. Reg. 6667, effective April 22, 2002)

Section 726.415 Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption

A generator must meet the following conditions for its eligible waste to qualify for and maintain the exemption:

a) The eligible waste must meet or be treated to meet LDR treatment standards, as described in Section 726.420;

b) If the generator is not already subject to federal NRC or IEMA manifest and transportation regulations for the shipment of its waste, the generator must manifest and transport its waste according to federal NRC or IEMA regulations, as described in Section 726.425;

c) The exempted waste must be in containers when it is disposed of in the LLRWDF, as described in Section 726.440; and

d) The exempted waste must be disposed of at a designated LLRWDF, as described in Section 726.435.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.420 Treatment Standards for Eligible Waste

A generator's LLMW or eligible NARM waste must meet the applicable LDR treatment standards specified in Subpart D of 35 Ill. Adm. Code 728.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.425 Applicability of the Manifest and Transportation Condition

If a generator is not already subject to federal NRC or IEMA manifest and transportation regulations for the shipment of its waste, the generator must meet the federal NRC manifest requirements under 10 CFR 20.2006 (Transfer for Disposal and Manifests), incorporated by reference in 35 Ill. Adm. Code 720.111(b); IEMA manifest requirements under 32 Ill. Adm. Code 340; the federal NRC transportation requirements under 10 CFR 71.5 (Transportation of Licensed Material), incorporated by reference in 35 Ill. Adm. Code 720.111(b); and the IEMA transportation requirements under 32 Ill. Adm. Code 341 to ship the exempted waste.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.430 Effectiveness of a Transportation and Disposal Exemption

The exemption becomes effective once all of the following have occurred:

a) The generator's eligible waste meets the applicable LDR treatment standards;

b) The generator has received return receipts that it has notified the Agency and the LLRWDF, as described in Section 726.445;

c) The generator has completed the packaging and preparation for shipment requirements for its waste according to federal NRC packaging and transportation regulations found under 10 CFR 71 (Packaging and Transportation of Radioactive Material), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and under IEMA regulations at 32 Ill. Adm. Code 341; and a generator has prepared a manifest for a generator's waste according to NRC manifest regulations found under 10 CFR 20 (Standards for Protection Against Radiation), incorporated by reference in 35 Ill. Adm. Code 720.111(b), or under IEMA regulations under 32 Ill. Adm. Code 340; and

d) The generator has placed its waste on a transportation vehicle destined for a LLRWDF licensed by the federal NRC, the IEMA, or by a nuclear licensing agency in another state.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.435 Disposal of Exempted Waste

A generator's exempted waste must be disposed of in a LLRWDF that is regulated and licensed by the federal NRC under 10 CFR 61, by the IEMA under 32 Ill. Adm. Code: Chapter II, Subchapters b and d, or by a licensing agency in another state, including State NARM licensing regulations for eligible NARM.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.440 Containers Used for Disposal of Exempted Waste

A generator's exempted waste must be placed in containers before it is disposed of. The container must be one of the following:

a) A carbon steel drum;

b) An alternative container with equivalent containment performance in the disposal environment as a carbon steel drum; or

c) A high-integrity container, as defined by NRC in appendix G to 10 CFR 20 (Requirements for Transfers of Low-Level Radioactive Waste Intended for

Disposal at Licensed Land Disposal Facilities and Manifests), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.445 Notification

a) A generator must provide a one time notice to the Agency and the IEMA stating that it is claiming the transportation and disposal conditional exemption prior to the initial shipment of an exempted waste from the generator's facility to a LLRWDF. The generator's dated written notice must include its facility name, address, phone number, and RCRA ID number and be sent by certified delivery.

b) A generator must notify the LLRWDF receiving its exempted waste by certified delivery before shipment of each exempted waste. The generator can only ship the exempted waste after it has received the return receipt of its notice to the LLRWDF. This notification must include the following information:

1) A statement that the generator has claimed the exemption for the waste;

2) A statement that the eligible waste meets applicable LDR treatment standards;

3) The generator's facility's name, address, and RCRA ID number;

4) The RCRA hazardous waste codes prior to the exemption of the waste streams;

5) A statement that the exempted waste must be placed in a container according to Section 726.440 prior to disposal in order for the waste to remain exempt under the transportation and disposal conditional exemption of this Subpart N;

6) The manifest number of the shipment that will contain the exempted waste; and

7) A certification that all the information provided is true, complete, and accurate. The statement must be signed by the generator's authorized representative.

(Source: Amended at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.450 Recordkeeping for a Transportation and Disposal Conditional Exemption

In addition to those records required by a generator's NRC or IEMA license, the generator must keep records as follows:

a) The generator must follow the applicable existing recordkeeping requirements under 35 Ill. Adm. Code 724.173, 725.173, and 728.107 to demonstrate that its waste has met LDR treatment standards prior to the generator claiming the exemption.

b) The generator must keep a copy of all notifications and return receipts required under Sections 726.455, and 726.460 for three years after the exempted waste is sent for disposal.

c) The generator must keep a copy of all notifications and return receipts required under Section 726.445(a) for three years after the last exempted waste is sent for disposal.

d) The generator must keep a copy of the notification and return receipt required under Section 726.445(b) for three years after the exempted waste is sent for disposal.

e) If the generator is not already subject to federal NRC and IEMA manifest and transportation regulations for the shipment of its waste, the generator must also keep all other documents related to tracking the exempted waste as required under federal 10 CFR 20.2006 (Transfer for Disposal and Manifests), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and IEMA requirements under 32 Ill. Adm. Code 340, including applicable NARM requirements, in addition to the records specified in subsections (a) through (d).

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.455 Loss of a Transportation and Disposal Conditional Exemption and Required Action

a) Any waste will automatically lose the transportation and disposal exemption if the generator fails to manage it in accordance with all of the conditions specified in Section 726.415.

1) When the generator fails to meet any of the conditions specified in Section 726.415 for any of its wastes, the generator must report to the Agency and the Illinois DNS, in writing by certified delivery, within 30 days after learning of the failure. The generator's report must be signed by its authorized representative certifying that the information provided is true, accurate, and complete. This report must include the following:

A) The specific conditions that the generator failed to meet for the waste;

B) A description of the waste (including the waste name, hazardous waste codes and quantity) that lost the exemption; and

C) The dates on which the generator failed to meet the conditions for the waste.

2) If the failure to meet any of the conditions may endanger human health or the environment, the generator must also immediately notify the Agency orally within 24 hours and follow up with a written notification within five days.

b) The Board may, by an order issued in an enforcement proceeding against the generator, terminate the generator's ability to claim a conditional exemption for its waste, or require the generator to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirements of this Subpart N.

(Source: Amended at 27 Ill. Reg. 12916, effective July 17, 2003)

Section 726.460 Reclaiming a Lost Transportation and Disposal Conditional Exemption

a) A generator may reclaim a lost transportation and disposal conditional exemption for a waste after the generator has received a return receipt confirming that the Agency and IEMA have received the generator's notification of the loss of the exemption specified in Section 726.455(a) and if the following conditions are fulfilled:

1) The generator again meets the conditions specified in Section 726.415 for the waste; and

2) The generator sends a notice, by certified delivery, to the Agency that the generator is reclaiming the exemption for the waste. A generator's notice must be signed by the generator's authorized representative certifying that the information provided is true, accurate, and complete. The notice must include all of the following:

A) An explanation of the circumstances of each failure;

B) A certification that each failure that caused the generator to lose the exemption for the waste has been corrected and that the generator again meets all conditions for the waste as of the date the generator specifies;

C) A description of plans that the generator has implemented, listing the specific steps that the generator has taken, to ensure that conditions will be met in the future; and

D) Any other information that the generator wants the Agency to consider when the Agency reviews the generator's notice reclaiming the exemption.

b) The Agency may terminate a reclaimed conditional exemption if it determines, in writing, pursuant to Section 39 of the Act, that the generator's claim is inappropriate based on factors including, but not limited to, the following: the generator has failed to correct the problem; the generator explained the circumstances of the failure unsatisfactorily; or the generator has failed to implement a plan with steps to prevent another failure to meet the conditions of Section 726.415. In reviewing a reclaimed conditional exemption pursuant to this Section, the Agency may add conditions to the exemption to ensure that transportation and disposal activities will adequately protect human health and the environment. Any Agency determination made pursuant to this subsection (b) is subject to review by the Board pursuant to Section 40 of the Act.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.600 Definitions

The following definitions apply to this Subpart P:

"Evaluated hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has been evaluated by a reverse distributor in accordance with Section 726.610(a)(3) and will not be sent to another reverse distributor for further evaluation or verification of manufacturer credit.

"Hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, and that exhibits one or more characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or that is listed in Subpart D of 35 Ill. Adm. Code 721. A pharmaceutical is not a solid waste, as defined in 35 Ill. Adm. Code 721.102, and therefore is not a hazardous waste pharmaceutical, if it is legitimately used or reused (e.g., lawfully donated for its intended purpose) or reclaimed. An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in 35 Ill. Adm. Code 721.102, and therefore is not a hazardous waste pharmaceutical, if there is a reasonable expectation of its being legitimately used or reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

"Healthcare facility" means any person that is lawfully authorized to do the following:

Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition or functional status of a human

or animal or affecting the structure or function of the human or animal body; or

Distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals. This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers.

"Household waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, but that is excluded from being a hazardous waste under 35 Ill. Adm. Code 721.104(b)(1).

"Long-term care facility" means a licensed entity that provides assistance with activities of daily living, including managing and administering pharmaceuticals, to one or more individuals at the facility. This definition includes hospice facilities, nursing facilities, skilled nursing facilities, and the nursing and skilled nursing care portions of continuing care retirement communities. Not included within the scope of this definition are group homes, independent living communities, assisted living facilities, and the independent and assisted living portions of continuing care retirement communities.

"Non-creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that does not have a reasonable expectation to be eligible for manufacturer credit or a nonprescription hazardous waste pharmaceutical that does not have a reasonable expectation to be legitimately used or reused or reclaimed. This includes investigational drugs, free samples of pharmaceuticals received by healthcare facilities, residues of pharmaceuticals remaining in empty containers, contaminated personal protective equipment, floor sweepings, and cleanup material from the spills of pharmaceuticals.

"Non-hazardous waste pharmaceutical" means a pharmaceutical that is a solid waste, as defined in 35 Ill. Adm. Code 721.102, and that is not listed in Subpart D of 35 Ill. Adm. Code 721, and that does not exhibit a characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"Non-pharmaceutical hazardous waste" means a solid waste, as defined in 35 Ill. Adm. Code 721.102, that is listed in Subpart D of 35 Ill. Adm. Code 721, and that exhibits one or more characteristics identified in Subpart C of 35 Ill. Adm. Code 721, but that is not a pharmaceutical, as defined in this Section.

"Pharmaceutical" means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 USC 321(ff)), incorporated by reference in 35 Ill. Adm. Code 720.111; prescription drugs, as defined in 21 CFR 203.3(y), incorporated by reference in 35 Ill. Adm. Code 720.111; over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in nonempty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps.

"Potentially creditable hazardous waste pharmaceutical" means a prescription hazardous waste pharmaceutical that has a reasonable expectation to receive manufacturer credit and of which the following is true:

It is in original manufacturer packaging (except pharmaceuticals that were subject to a recall);

It is undispensed; and

It is unexpired or less than one year past its expiration date. The term does not include evaluated hazardous waste pharmaceuticals or nonprescription pharmaceuticals, including over-the-counter drugs, homeopathic drugs, and dietary supplements.

"Reverse distributor" means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.601 Applicability

a) A healthcare facility that is a VSQG when counting all hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to 35 Ill. Adm. Code 722.114 and is not subject to Subpart P, except for Sections 726.605 and 726.607 and the optional provisions of Section 726.604.

b) A healthcare facility that is a VSQG when counting all hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, has the option of complying with Section 726.601(d) for the management of its hazardous waste pharmaceuticals as an alternative to complying with 35 Ill. Adm. Code 722.114 and the optional provisions of Section 726.604.

c) A healthcare facility or reverse distributor remains subject to all applicable requirements in 35 Ill. Adm. Code 722 through 725 with respect to the management of its non-pharmaceutical hazardous waste.

d) With the exception of healthcare facilities identified in subsection (a), a healthcare facility is subject to the following instead of 35 Ill. Adm. Code 722 through 725:

1) Sections 726.602 and 726.605 through 726.608 with respect to the management of the following:

A) Non-creditable hazardous waste pharmaceuticals; and

B) Potentially creditable hazardous waste pharmaceuticals if they are not destined for a reverse distributor.

2) Sections 726.602(a), 726.603, 726.605 through 726.607, and 726.609 for the management of potentially creditable hazardous waste pharmaceuticals that are prescription pharmaceuticals and that are destined for a reverse distributor.

e) A reverse distributor is subject to Sections 726.605 through 726.610, instead of 35 Ill. Adm. Code 722 through 725, for the management of hazardous waste pharmaceuticals.

f) Hazardous waste pharmaceuticals generated or managed by entities other than healthcare facilities and reverse distributors (e.g., pharmaceutical manufacturers and reverse logistics centers) are not subject to Subpart P. Other generators are subject to 35 Ill. Adm. Code 722 for the generation and accumulation of hazardous wastes, including hazardous waste pharmaceuticals.

g) The following are not subject to 35 Ill. Adm. Code 720 through 733, except as otherwise specified:

1) Pharmaceuticals that are not solid waste, as defined by 35 Ill. Adm. Code 721.102, because they are legitimately used or reused (e.g., lawfully donated for their intended purpose) or reclaimed.

2) Over-the-counter pharmaceuticals, dietary supplements, or homeopathic drugs that are not solid wastes, as defined by 35 Ill. Adm. Code 721.102,

because there is a reasonable expectation of their being legitimately used or reused (e.g., lawfully redistributed for their intended purpose) or reclaimed.

3) Pharmaceuticals being managed according to a recall strategy that has been approved by the Food and Drug Administration in under subpart C of 21 CFR 7. Subpart P applies to the management of the recalled hazardous waste pharmaceuticals after the Food and Drug Administration approves the destruction of the recalled items.

4) Pharmaceuticals being managed according to a recall corrective action plan that has been accepted by the Consumer Product Safety Commission under 16 CFR 1115. Subpart P applies to the management of the recalled hazardous waste pharmaceuticals after the Consumer Product Safety Commission approves the destruction of the recalled items.

5) Pharmaceuticals stored according to a preservation order or during an investigation or judicial proceeding, until after the preservation order, investigation, or judicial proceeding has concluded or a decision is made to discard the pharmaceuticals.

6) Investigational new drugs for which an investigational new drug application is in effect under the Food and Drug Administration's regulations in 21 CFR 312. Subpart P applies to the management of the investigational new drug after the decision is made to discard the investigational new drug or the Food and Drug Administration approves the destruction of the investigational new drug, if the investigational new drug is a hazardous waste.

7) Household waste pharmaceuticals, including those that have been collected by a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, provided the authorized collector complies with the conditional exemption in Section 726.606(a)(2) and (b).

BOARD NOTE: The Drug Enforcement Administration regulations define "collector" in the second segment of the definition of "collection" in 21 CFR 1300.01. The authorized status of the collector is part of the definition.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.602 Standards for Non-Creditable Hazardous Waste Pharmaceuticals

a) Notification and Withdrawal from Subpart P for Healthcare Facilities Managing Hazardous Waste Pharmaceuticals

1) Notification. A healthcare facility must notify the Agency, using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), that it is a healthcare facility operating under Subpart P. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of the Site Identification Form with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (using the Site Identification Form) for each site or USEPA identification number.

A) A healthcare facility that already has a USEPA identification number must notify the Agency, using USEPA Form 8700-12, that it is a healthcare facility as part of its next annual report, if it is required to submit one; or, if not required to submit an annual report, within 60 days after becoming subject to Subpart P.

B) A healthcare facility that does not have a USEPA identification number must obtain one by notifying the Agency, using USEPA Form 8700-12, that it is a healthcare facility as part of its next annual report, if it is required to submit one; or if not required to submit an annual report, within 60 days after becoming subject to Subpart P.

C) A healthcare facility must keep a copy of its notification on file for as long as the healthcare facility is subject to Subpart P.

BOARD NOTE: Corresponding 40 CFR 266.602(a)(1) requires biennial reporting. The Board has required annual reporting, since Section 20.1 of the Act requires the Agency to assemble annual reports, and only annual facility activity reports will enable the Agency to meet this mandate.

2) Withdrawal. A healthcare facility that operated under Subpart P but is no longer subject to Subpart P, because it is a VSQG under 35 Ill. Adm. Code 722.114, and that elects to withdraw from Subpart P, must notify the appropriate agency using USEPA Form 8700-12 that it is no longer operating under Subpart P. A healthcare facility is not required to fill out Box 10.B. (Waste Codes for Federally Regulated Hazardous Waste) of USEPA Form 8700-12 with respect to its hazardous waste pharmaceuticals. A healthcare facility must submit a separate notification (using USEPA Form 8700-12) for each USEPA identification number.

A) A healthcare facility must submit USEPA Form 8700-12 notifying that it is withdrawing from Subpart P before it begins operating under the conditional exemption of 35 Ill. Adm. Code 722.114.

B) A healthcare facility must keep a copy of its withdrawal on file for three years after the date of signature on the notification of its withdrawal.

b) Training of Personnel Managing Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must ensure that all personnel managing non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

c) Hazardous Waste Determination for Non-Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a non-creditable pharmaceutical must determine whether that pharmaceutical is a hazardous waste pharmaceutical (i.e., it exhibits a characteristic identified in Subpart D of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721) to determine if the waste is subject to Subpart P. A healthcare facility may choose to manage its non-hazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals under Subpart P.

d) Standards for Containers Used to Accumulate Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

1) A healthcare facility must place non-creditable hazardous waste pharmaceuticals in a container that is structurally sound, compatible with its contents, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A healthcare facility that manages ignitable or reactive non-creditable hazardous waste pharmaceuticals, or that mixes or commingles incompatible non-creditable hazardous waste pharmaceuticals, must manage the container so that it does not have the potential to do any of the following:

A) Generate extreme heat or pressure, fire or explosion, or violent reaction;

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

D) Damage the structural integrity of the container of non-creditable hazardous waste pharmaceuticals; or

E) Through other like means threaten human health or the environment.

3) A healthcare facility must keep containers of non-creditable hazardous waste pharmaceuticals closed and secured in a manner that prevents unauthorized access to their contents.

4) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals and nonhazardous non-creditable waste pharmaceuticals in the same container, except that the non-creditable hazardous waste pharmaceuticals prohibited from being combusted because of the dilution prohibition of 35 Ill. Adm. Code 728.103(c) (i.e. metal-bearing waste codes listed in 35 Ill. Adm. Code 728.Appendix K, unless one or more of the criteria in 35 Ill. Adm. code 728.103(c)(1) through (c)(6) are met), or because it is prohibited from being lab packed due to 35 Ill. Adm. Code 728.Table C) must be accumulated in separate containers, and labeled with all applicable USEPA hazardous waste numbers.

e) Labeling Containers Used to Accumulate Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must label or clearly mark each container of non-creditable hazardous waste pharmaceuticals with the phrase "Hazardous Waste Pharmaceuticals".

f) Maximum Accumulation Time for Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

1) A healthcare facility may accumulate non-creditable hazardous waste pharmaceuticals on site for one year or less without a permit or having interim status.

2) A healthcare facility that accumulates non-creditable hazardous waste pharmaceuticals on-site must demonstrate the length of time that the facility has accumulated the non-creditable hazardous waste pharmaceuticals, starting from the date it first becomes a waste. A healthcare facility may make this demonstration by any of the following methods:

A) Marking or labeling the container of non-creditable hazardous waste pharmaceuticals with the date when the non-creditable hazardous waste pharmaceuticals became a waste;

B) Maintaining an inventory system that identifies the date when the accumulated non-creditable hazardous waste pharmaceuticals first became a waste;

C) Placing the non-creditable hazardous waste pharmaceuticals in a specific area and identifying the earliest date when any of the non-creditable hazardous waste pharmaceuticals in the area became a waste.

g) Land Disposal Restrictions for Non-Creditable Hazardous Waste Pharmaceuticals. The non-creditable hazardous waste pharmaceuticals generated by a healthcare facility are subject to the land disposal restrictions of 35 Ill. Adm. Code 728. A healthcare facility that generates non-creditable hazardous waste pharmaceuticals must comply with the land disposal restrictions in 35 Ill. Adm. Code 728.107(a), except that it is not required to identify the USEPA hazardous waste numbers on the land disposal restrictions notification.

h) Procedures for Healthcare Facilities for Managing Rejected Shipments of Non-Creditable Hazardous Waste Pharmaceuticals. A healthcare facility that sends a shipment of non-creditable hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and later receives that shipment back as a rejected load in compliance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172, may accumulate the rejected non-creditable hazardous waste pharmaceuticals on-site for up to an additional 90 days if the rejected or returned shipment is managed in compliance with subsections (d) and (e). Upon receipt of the returned shipment, the healthcare facility must:

1) Sign the applicable of the following:

A) Item 18c (Signature of Alternate Facility (or Generator)) of the original manifest, if the original manifest was used for the returned shipment; or

B) Item 20 (Designated Facility Owner or Operator. Certification of hazardous materials covered by the manifest except as noted in Item 18a) of the new manifest, if a new manifest was used for the returned shipment;

2) Provide the transporter a copy of the manifest;

3) Within 30 days after receiving the rejected shipment, send a copy of the manifest to the designated facility that returned the shipment to the healthcare facility; and

4) Within 90 days after receipt of the rejected shipment, transport or offer for transport the returned shipment in compliance with the shipping standards of Section 726.608(a).

i) Reporting by Healthcare Facilities for Non-Creditable Hazardous Waste Pharmaceuticals

1) Biennial Reporting by Healthcare Facilities. Healthcare facilities are not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141, with respect to non-creditable hazardous waste pharmaceuticals managed under Subpart P.

2) Exception Reporting by Healthcare Facilities for a Missing Copy of the Manifest

A) For Shipments from a Healthcare Facility to a Designated Facility. If a healthcare facility does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days after the date when the initial transporter accepted the non-creditable hazardous waste pharmaceuticals, the healthcare facility must submit the following:

i) A legible copy of the original manifest to the Agency, indicating that the healthcare facility has not received confirmation of delivery; and

ii) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

B) For Shipments Rejected by the Designated Facility and Shipped to an Alternate Facility. If a healthcare facility does not receive a copy of the manifest for a rejected shipment of the non-creditable hazardous waste pharmaceuticals that is forwarded by the designated facility to an alternate facility (using appropriate manifest procedures), with the signature of the owner or operator of the alternate facility, within 60 days after the date when the initial transporter forwarded the shipment of non-creditable hazardous waste pharmaceuticals from the designated facility to the alternate facility accepted the non-creditable hazardous waste, the healthcare facility must submit the following:

i) A legible copy of the original manifest to the Agency, indicating that the healthcare facility has not received confirmation of delivery; and

ii) A handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not

received and explaining the efforts taken to locate the non-creditable hazardous waste pharmaceuticals and the results of those efforts.

3) Additional Reports. The Agency may, in writing, require a healthcare facility to furnish additional reports concerning the quantities and disposition of non-creditable hazardous waste pharmaceuticals.

j) Recordkeeping by Healthcare Facilities for Non-Creditable Hazardous Waste Pharmaceuticals

1) A healthcare facility must keep a copy of each manifest signed in compliance with 35 Ill. Adm. Code 722.123(a) for three years or until it receives a signed copy from the designated facility that received the non-creditable hazardous waste pharmaceuticals. The healthcare facility must retain this signed copy as a record for at least three years after the date when the initial transporter accepted the waste.

2) A healthcare facility must keep a copy of each exception report for a period of at least three years after the date of the report.

3) A healthcare facility must keep records of any test results, waste analyses, or other determinations made to support its hazardous waste determinations consistent with 35 Ill. Adm. Code 722.111(f), for at least three years after the date the waste was last sent to onsite or off-site treatment, storage, or disposal. A healthcare facility that manages all of its non-creditable nonhazardous waste pharmaceuticals as non-creditable hazardous waste pharmaceuticals is not required to keep documentation of its hazardous waste determinations.

4) The periods of retention referred to in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

5) A healthcare facility must make all records readily available upon request by a USEPA or Agency inspector.

k) Response to Spills of Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of non-creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in compliance with the requirements of Subpart P.

l) Accepting Non-Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept non-creditable hazardous waste pharmaceuticals from an off-site healthcare facility

that is a VSQG under 35 Ill. Adm. Code 722.114, without a permit or without having interim status, if the receiving healthcare facility meets the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the non-creditable hazardous waste pharmaceuticals off-site or has a contractual or other documented business relationship whereby the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility. ("Control", for this subsection (l)(1), means the power to direct the policies of the healthcare facility, whether by the ownership of stock, voting rights, or otherwise. A contractor that operates a healthcare facility on behalf of a different person, as defined in 35 Ill. Adm. Code 720.110, does not "control" a healthcare facility);

2) The receiving healthcare facility is operating under Subpart P for the management of its non-creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the non-creditable hazardous waste pharmaceuticals that it receives from off site in compliance with Subpart P; and

4) The receiving healthcare facility keeps records of the non-creditable hazardous waste pharmaceuticals shipments it receives from off site for three years after the date when it received the shipment.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.603 Standards for Potentially Creditable Hazardous Waste Pharmaceuticals

a) Hazardous Waste Determination for Potentially Creditable Pharmaceuticals. A healthcare facility that generates a solid waste that is a potentially creditable pharmaceutical must determine whether the potentially creditable pharmaceutical is a potentially creditable hazardous waste pharmaceutical (i.e., it is a listed hazardous waste in Subpart D of 35 Ill. Adm. Code 721 or exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721). A healthcare facility may choose to manage its potentially creditable non-hazardous waste pharmaceuticals as potentially creditable hazardous waste pharmaceuticals under Subpart P.

b) Accepting Potentially Creditable Hazardous Waste Pharmaceuticals from an Off-Site Healthcare Facility That Is a VSQG. A healthcare facility may accept potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a VSQG under 35 Ill. Adm. Code 722.114 without a permit or interim status, if the receiving healthcare facility meets the following conditions:

1) The receiving healthcare facility is under the control of the same person (as defined in 35 Ill. Adm. Code 720.110) as the VSQG healthcare facility sending the potentially creditable hazardous waste pharmaceuticals off site ("control", for this section, means the power to direct the policies of the healthcare facility whether by ownership of stock, voting rights, or otherwise, except that contractors who operate healthcare facilities on behalf of a different person as defined in 35 Ill. Adm. Code 720.110 are not considered to "control" the healthcare facilities), or the sending healthcare facility has a contractual or other documented business relationship in which the receiving healthcare facility supplies pharmaceuticals to the VSQG healthcare facility;

2) The receiving healthcare facility is operating under Subpart P for the management of its potentially creditable hazardous waste pharmaceuticals;

3) The receiving healthcare facility manages the potentially creditable hazardous waste pharmaceuticals that it receives from off site in compliance with Subpart P; and

4) The receiving healthcare facility keeps records of the potentially creditable hazardous waste pharmaceuticals shipments it receives from off site for three years from the date that the shipment is received.

c) Prohibition. A healthcare facility is prohibited from sending hazardous wastes other than potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

d) Annual Reporting by Healthcare Facilities. A healthcare facility is not subject to annual reporting requirements under 35 Ill. Adm. Code 722.141 for potentially creditable hazardous waste pharmaceuticals managed under Subpart P.

e) Recordkeeping by Healthcare Facilities

1) A healthcare facility initiating a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor must keep the following records (paper or electronic) for each shipment for three years after the date of shipment:

A) The confirmation of delivery; and

B) The shipping papers prepared in compliance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

2) The periods of retention referred to in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

3) All records must be readily available upon request by a USEPA or Agency inspector.

f) Response to Spills of Potentially Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities. A healthcare facility must immediately contain all spills of potentially creditable hazardous waste pharmaceuticals and manage the spill clean-up materials as non-creditable hazardous waste pharmaceuticals in compliance with Subpart P.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.604 Very Small Quantity Generators

a) Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its potentially creditable hazardous waste pharmaceuticals to a reverse distributor.

b) Off-Site Collection of Hazardous Waste Pharmaceuticals Generated by a Healthcare Facility That Is a VSQG. A healthcare facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may send its hazardous waste pharmaceuticals off-site to another generator, if:

1) The receiving healthcare facility meets the conditions in Sections 726.602(l) and 726.603(b), as applicable; or

2) The VSQG healthcare facility meets the conditions in 35 Ill. Adm. Code 722.114(a)(5)(H) and the receiving LQG meets the conditions in 35 Ill. Adm. Code 722.117(f).

c) Long-Term Care Facilities That Are VSQGs. A long-term care facility that is a VSQG for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste may dispose of its hazardous waste pharmaceuticals (excluding contaminated personal protective equipment or clean-up materials) in an on-site collection receptacle of a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, that is registered with the federal Drug Enforcement Administration (DEA) if the contents are collected, stored, transported, destroyed, and disposed of in compliance with all applicable DEA regulations for controlled substances in 21 CFR 1300 through 1317, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding 40 CFR 266.504(c) allows on-site disposal into a collection receptacle of "an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration". The DEA rules for management of controlled substances are in 21 CFR 1300 through 1317. The DEA registration rules are in 21 CFR 1301.

d) Long-Term Care Facilities with 20 Beds or Fewer. A long-term care facility with 20 beds or fewer is presumed to be a VSQG subject to 35 Ill. Adm. Code 722.114 for both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste and not subject to Subpart P, except for Sections 726.605 and 726.607 and the other optional provisions of this Section. The Agency has the responsibility to demonstrate that a long-term care facility with 20 beds or fewer generates quantities of hazardous waste that are in excess of those applicable to a VSQG, as defined in 35 Ill. Adm. Code 720.110. A long-term care facility with more than 20 beds that operates as a VSQG under 35 Ill. Adm. Code 722.114 must demonstrate that it generates quantities of hazardous waste that are within those applicable to a VSQG, as defined by 35 Ill. Adm. Code 720.110.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.605 Prohibition Against Sewering

All healthcare facilities, including VSQGs operating under 35 Ill. Adm. Code 722.114 instead of Subpart P, and reverse distributors are prohibited from discharging hazardous waste pharmaceuticals to a sewer system that passes through to a publicly-owned treatment works. Healthcare facilities and reverse distributors remain subject to the prohibitions in 40 CFR 403.5(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: This Section negates the exclusion from definition as solid waste in 35 Ill. Adm. Code 721.104(a)(1)(B) for mixtures of waste and domestic sewage as to VSQGs and reverse distributors.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.606 Conditional Exemptions for Controlled Substances and Household Hazardous Waste Pharmaceuticals

a) Conditional Exemptions. If the conditions of subsection (b) are met, the following are exempt from 35 Ill. Adm. Code 722 through 733:

1) Hazardous waste pharmaceuticals that are also listed on a schedule of controlled substances by DEA in 21 CFR 1308.11 through 1308.15, incorporated by reference in 35 Ill. Adm. Code 720.111; and

2) Household waste pharmaceuticals that are collected by a "collector", as defined in 21 CFR 1300.01, incorporated by reference in 35 Ill. Adm. Code 720.111, that is registered with DEA and that commingles the household waste pharmaceuticals with controlled substances from an "ultimate user", as defined in 21 USC 802(27), incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Corresponding 40 CFR 266.506(a)(2) exempts from regulation as hazardous waste hazardous waste pharmaceuticals collected in a take-back event or program by "an authorized collector (as defined by the Drug Enforcement Administration) that is registered with the Drug Enforcement Administration". DEA rules define "collector" in 21 CFR 130001. The DEA registration rules are in 21 CFR 1301.

b) Conditions for Exemption. The following conditions apply to hazardous waste pharmaceuticals:

1) The hazardous waste pharmaceuticals must be managed in compliance with the sewer prohibition of Section 726.605;

2) The hazardous waste pharmaceuticals must be collected, stored, transported, and disposed of in compliance with all applicable DEA regulations for controlled substances in 21 CFR 1300 through 1317, incorporated by reference in 35 Ill. Adm. Code 720.111; and

3) The hazardous waste pharmaceuticals must be rendered "non-retrievable", as defined in 21 CFR 1300.05, under 21 CFR 1317.90 and 1317.95, each incorporated by reference in 35 Ill. Adm. Code 720.111, by a DEA registrant using a method that complies with this DEA standard of destruction or combusted at one of the following facilities:

A) A permitted large municipal waste combustor, subject to the standards of subpart FFF of 40 CFR 62 or applicable state plan for existing large municipal waste combustors, or subpart Eb of 40 CFR 60 for new large municipal waste combustors;

B) A permitted small municipal waste combustor, subject to subpart JJJ of 40 CFR 62 or applicable state plan for existing small municipal waste combustors, or subpart AAAA of 40 CFR 60 for new small municipal waste combustors;

C) A permitted hospital, medical and infectious waste incinerator, subject to subpart HHH of 40 CFR 62 or applicable state plan for existing hospital, medical, and infectious waste incinerators, or subpart Ec of 40 CFR 60 for new hospital, medical, and infectious waste incinerators;

D) A permitted commercial and industrial solid waste incinerator, subject to subpart III of 40 CFR 62 or applicable state plan for existing commercial and industrial solid waste incinerators, or subpart CCCC of 40 CFR 60 for new commercial and industrial solid waste incinerators; or

E) A permitted hazardous waste combustor subject to subpart EEE of 40 CFR 63.

BOARD NOTE: Corresponding 40 CFR 266.506(b)(3) allows destruction by a method deemed in writing by DEA to render the pharmaceutical "non-retrievable". USEPA was not aware of any DEA methods approvals when adopting the rule. USEPA intended that destruction comply with applicable DEA requirements. 84 Fed. Reg. 5816, 5897 (Feb. 22, 2019); 21 CFR 1317.90(a) (2019); 79 Fed. Reg. 53520, 53541 (Sep. 9, 2014). The entity performing the destruction must be a DEA registrant. Management of controlled substances is authorized within the scope of DEA registration. 21 USC 822(b) (2018).

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.607 Residues in Empty Containers

a) Stock, Dispensing and Unit-Dose Containers. A stock bottle, dispensing bottle, vial, or ampule (not to exceed 1 liter or 10,000 pills); or a unit-dose container (e.g., a unit-dose packet, cup, wrapper, blister pack, delivery device, etc.) is considered empty and the residues are not regulated as hazardous waste, if the pharmaceuticals have been removed from the stock bottle, dispensing bottle, vial, ampule, or unit-dose container using the practices commonly employed to remove materials from that type of container.

b) Syringes. A syringe is considered empty and the residues are not regulated as hazardous waste under Subpart P, if the contents have been removed by fully depressing the plunger of the syringe. At healthcare facilities operating under Subpart P, if a syringe is not empty, the syringe must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under Subpart P and any applicable federal, State, and local requirements for sharps containers and medical waste.

c) Intravenous (IV) Bags. An IV bag is considered empty and the residues are not regulated as hazardous waste, if the pharmaceuticals in the IV bag have been fully administered to a patient, or if the IV bag held non-acute hazardous waste pharmaceuticals and is emptied as defined in 35 Ill. Adm. Code 721.107(b)(1). At healthcare facilities operating under Subpart P, if an IV bag is not empty, the

IV bag must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a non-creditable hazardous waste pharmaceutical under Subpart P.

d) Other Containers, Including Delivery Devices. At healthcare facilities operating under Subpart P, hazardous waste pharmaceuticals remaining in all other types of unused, partially administered, or fully administered containers must be managed as non-creditable hazardous waste pharmaceuticals under Subpart P, unless the container held non-acute hazardous waste pharmaceuticals and is empty, as defined in 35 Ill. Adm. Code 721.107(b)(1) or (b)(2). This includes residues in inhalers, aerosol cans, nebulizers, tubes of ointments, gels, or creams.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.608 Shipping from a Healthcare Facility or Reverse Distributor

a) Shipping Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. A healthcare facility must ship non-creditable hazardous waste pharmaceuticals and a reverse distributor must ship evaluated hazardous waste pharmaceuticals off-site to a designated facility (such as a permitted or interim status treatment, storage, or disposal facility) in compliance with the following requirements:

1) The following pre-transport requirements, before transporting or offering for transport off-site:

A) Packaging. Applicable USDOT regulations on hazardous materials under 49 CFR 173, 178, and 180, each incorporated by reference in 35 Ill. Adm. Code 720.111;

B) Labeling. Applicable USDOT regulations on hazardous materials under subpart E of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111;

C) Marking

i) Applicable USDOT regulations for hazardous materials under subpart D of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111;

ii) Mark each container of 119 gallons (450 ℓ) or less used in such transportation with the following words and information in compliance with 49 CFR 172.304, incorporated by reference in 35 Ill. Adm. Code 720.111:

HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Healthcare Facility's or Reverse distributor's Name and Address _____

Healthcare Facility's or Reverse distributor's USEPA Identification Number _____

Manifest Tracking Number _____

iii) Lab packs that will be incinerated in compliance with 35 Ill. Adm. Code 728.142(c) are not required to be marked with USEPA hazardous waste numbers (i.e., hazardous waste codes), except D004, D005, D006, D007, D008, D010, and D011, if applicable. A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the USEPA hazardous waste numbers (i.e., hazardous waste codes);

D) Placarding. Placard or offer the initial transporter the appropriate placards according to USDOT regulations for hazardous materials under subpart F of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The manifest requirements of Subpart B of 35 Ill. Adm. Code 722, except as follows:

A) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals is not required to list all applicable USEPA hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of USEPA Form 8700-22.

B) A healthcare facility shipping non-creditable hazardous waste pharmaceuticals must write the word "PHRM" or "PHARMS" in Item 13 of USEPA Form 8700-22. A healthcare facility may also include the applicable USEPA hazardous waste numbers (i.e., hazardous waste codes) in Item 13 of USEPA Form 8700-22.

b) Exporting Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that exports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Subpart H of 35 Ill. Adm. Code 722.

c) Importing Non-Creditable Hazardous Waste Pharmaceuticals or Evaluated Hazardous Waste Pharmaceuticals. Any person that imports non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals is subject to Subpart H of 35 Ill. Adm. Code 722. A healthcare facility or reverse distributor may not accept imported non-creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals without a permit or interim status allowing the facility or distributor to accept hazardous waste from off site.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.609 Shipping to a Reverse Distributor

a) Shipping Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that transports or offers for transport potentially creditable hazardous waste pharmaceuticals offsite to a reverse distributor must comply with all applicable USDOT regulations in 49 CFR 171 through 180, incorporated by reference in 35 Ill. Adm. Code 720.111, for any potentially creditable hazardous waste pharmaceutical that meets the definition of hazardous material in 49 CFR 171.8, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to USEPA's hazardous waste manifest requirements in 40 CFR 262 (corresponding with 35 Ill. Adm. Code 722 in Illinois). Because a potentially creditable hazardous waste pharmaceutical does not require a manifest, it is not considered hazardous waste under USDOT regulations.

b) Delivery Confirmation. Upon receipt of each shipment of potentially creditable hazardous waste pharmaceuticals, the receiving reverse distributor must provide confirmation (paper or electronic) to the healthcare facility or reverse distributor initiating the shipment that the shipment has arrived at its destination and is under the custody and control of the reverse distributor.

c) Procedures for When Delivery Confirmation is Not Received within 35 Calendar Days. If a healthcare facility or reverse distributor initiates a shipment of potentially creditable hazardous waste pharmaceuticals to a reverse distributor and does not receive delivery confirmation within 35 calendar days after the date when it sent the shipment of potentially creditable hazardous waste pharmaceuticals, the healthcare facility or reverse distributor that initiated the shipment must promptly contact the carrier and the intended recipient (i.e., the reverse distributor) to report that it did not receive the delivery confirmation and to determine the status of the potentially creditable hazardous waste pharmaceuticals.

d) Exporting Potentially Creditable Hazardous Waste Pharmaceuticals. A healthcare facility or reverse distributor that sends potentially creditable hazardous waste pharmaceuticals to a foreign destination must comply with subsections (a) through (c) and the applicable requirements of Subpart D of 35 Ill. Adm. Code 722, except the manifesting requirement of 35 Ill. Adm. Code 722.183(c).

e) Importing Potentially Creditable Hazardous Waste Pharmaceuticals. Any person that imports potentially creditable hazardous waste pharmaceuticals into the United States is subject to subsections (a) through (c) in lieu of Subpart H of 35 Ill. Adm. Code 722. Immediately after the potentially creditable hazardous waste pharmaceuticals enter the United States, they are subject to all applicable requirements of this Subpart P.

(Source: Added at 44 Ill. Reg. 15427, effective September 3, 2020)

Section 726.610 Standards for Reverse Distributors

A reverse distributor may accept potentially creditable hazardous waste pharmaceuticals from off site and accumulate potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals on site without a hazardous waste permit or without having interim status, if the reverse distributor complies with the following conditions:

a) Standards for Reverse Distributors Managing Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals

1) Notification. A reverse distributor must notify the Agency, using USEPA Form 8700-12, that it is a reverse distributor operating under Subpart P.

A) A reverse distributor that already has a USEPA identification number must notify the Agency, using USEPA Form 8700-12, that it is a reverse distributor, as defined in Section 726.600, before September 3, 2020, or within 60 days after becoming subject to Subpart P.

B) A reverse distributor that does not have a USEPA identification number must obtain one by notifying the Agency, using USEPA Form 8700-12, that it is a reverse distributor, as defined in Section 726.600, within 60 days after becoming subject to Subpart P.

2) Inventory by the Reverse Distributor. A reverse distributor must maintain a current inventory of all the potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals that the reverse distributor has accumulated on site.

A) A reverse distributor must inventory each potentially creditable hazardous waste pharmaceutical within 30 calendar days after each waste arrived at the reverse distributor.

B) The inventory must include the identity (e.g., name or National Drug Code) and quantity of each potentially creditable hazardous waste pharmaceutical and evaluated hazardous waste pharmaceutical.

BOARD NOTE: The National Drug Code (NDC) is a three-segment number (including labeler code, product code, and package code) uniquely identifying drugs. The Food and Drug Administration (FDA) assigns the labeler code, and the labeler assigns the product and package codes. 21 CFR 207.33. The NDC is required in applications for registration. 21 CFR 1.74(a) and 1.75(a). The FDA maintains an Internet database for NDC look-up (https://www.fda.gov/drugs/drug-approvals-and-databases/national-drug-code-directory). The FDA requests but does not require use of the NDC on the product label. 21 CFR 201.2. However, if required on drug packaging, the bar code includes the NDC. 21 CFR 201.25(c).

C) If the reverse distributor already meets the inventory requirements of subsection (a)(2) through compliance with other regulatory requirements, such as 68 Ill. Adm. Code 1330 under the Pharmacy Practice Act [225 ILCS 85] or 68 Ill. Adm. Code 1510 under the Wholesale Drug Distribution Licensing Act [225 ILCS 120], the facility is not required to provide a separate inventory under this Section.

3) Evaluation by a Reverse Distributor That Is Not a Manufacturer. A reverse distributor that is not a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical within 30 calendar days after the waste arrived at the reverse distributor to establish whether the waste is destined for another reverse distributor for further evaluation or verification of manufacturer credit or for a permitted or interim status treatment, storage, or disposal facility.

A) A potentially creditable hazardous waste pharmaceutical that is destined for another reverse distributor is still considered a "potentially creditable hazardous waste pharmaceutical", and the reverse distributor must manage the waste in compliance with subsection (b).

B) A potentially creditable hazardous waste pharmaceutical that is destined for a permitted or interim status treatment, storage or

disposal facility is considered an "evaluated hazardous waste pharmaceutical", and the reverse distributor must manage the waste in compliance with subsection (c).

4) Evaluation by a Reverse Distributor That Is a Manufacturer. A reverse distributor that is a pharmaceutical manufacturer must evaluate a potentially creditable hazardous waste pharmaceutical to verify manufacturer credit within 30 calendar days after the waste arrived at the facility, and the reverse distributor must manage the evaluated hazardous waste pharmaceuticals in compliance with subsection (c) following the evaluation.

5) Maximum Accumulation Time for Hazardous Waste Pharmaceuticals at a Reverse Distributor

A) A reverse distributor may accumulate potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals on site for 180 or fewer calendar days. The 180 days start after the reverse distributor evaluates the potentially creditable hazardous waste pharmaceutical and applies to all hazardous waste pharmaceuticals accumulated on site, regardless of whether the pharmaceuticals are destined for another reverse distributor (i.e., the pharmaceuticals are potentially creditable hazardous waste pharmaceuticals) or a permitted or interim status treatment, storage, or disposal facility (i.e., the pharmaceuticals are evaluated hazardous waste pharmaceuticals).

B) Aging Pharmaceuticals. Unexpired pharmaceuticals that are otherwise creditable but are awaiting their expiration date (i.e., aging in a holding morgue) can be accumulated for up to 180 days after the expiration date, if the reverse distributor manages the unexpired pharmaceuticals in compliance with subsection (a) and the container labeling and management standards in subsection (c)(4).

6) Security at the Reverse Distributor Facility. A reverse distributor must prevent unknowing entry and minimize the possibility for the unauthorized entry into the portion of the facility if the reverse distributor keeps potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

A) Examples of methods that a reverse distributor may use to prevent unknowing entry and minimize the possibility for unauthorized entry include the following:

i) A 24-hour continuous monitoring surveillance system;

ii) An artificial barrier such as a fence; or

iii) A means to control entry, such as keycard access.

B) If the reverse distributor already meets the security requirements of subsection (a)(6) through compliance with other regulatory requirements, such as federal DEA or Department of Financial and Professional Regulation rules, the facility is not required to provide separate security measures under this Section.

7) Contingency Plan and Emergency Procedures at a Reverse Distributor. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must prepare a contingency plan and comply with the other requirements of Subpart M of 35 Ill. Adm. Code 722.

8) Closure of a Reverse Distributor. When closing an area where a reverse distributor accumulates potentially creditable hazardous waste pharmaceuticals or evaluated hazardous waste pharmaceuticals, the reverse distributor must comply with 35 Ill. Adm. Code 722.117(a)(8)(B) and (a)(8)(C).

9) Reporting by a Reverse Distributor

A) Unauthorized Waste Report. A reverse distributor must submit an unauthorized waste report if the reverse distributor receives waste from off site that it is not authorized to receive (e.g., non-pharmaceutical hazardous waste, regulated medical waste, etc.). The reverse distributor must prepare and submit an unauthorized waste report to the Agency within 45 calendar days after the unauthorized waste arrives at the reverse distributor, and the reverse distributor must send a copy of the unauthorized waste report to the healthcare facility (or other entity) that sent the unauthorized waste. The reverse distributor must manage the unauthorized waste in compliance with all applicable regulations. The unauthorized waste report must be signed by the owner or operator of the reverse distributor or its authorized representative. The report must contain the following information:

i) The USEPA identification number, name, and address of the reverse distributor;

ii) The date the reverse distributor received the unauthorized waste;

iii) The USEPA identification number, name, and address of the healthcare facility (or other entity) that shipped the unauthorized waste, if available;

iv) A description and the quantity of each unauthorized waste the reverse distributor received;

v) The method of treatment, storage, or disposal for each unauthorized waste; and

vi) A brief explanation of why the waste was unauthorized, if known.

B) Additional Reports. The Agency may require a reverse distributor to furnish additional reports concerning the quantities and disposition of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals that the Agency determines in writing are necessary to demonstrate compliance with Subpart P.

10) Recordkeeping by Reverse Distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an Agency or USEPA inspector. The periods of retention referred to in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

A) A copy of its notification under Section 726.602 on file for as long as the facility is subject to Subpart P;

B) A copy of the delivery confirmation and the shipping papers for each shipment of potentially creditable hazardous waste pharmaceuticals that it receives, and a copy of each unauthorized waste report, for at least three years after the date when the shipment arrives at the reverse distributor;

C) A copy of its current inventory for as long as the facility is subject to Subpart P.

b) Additional Standards for Reverse Distributors Managing Potentially Creditable Hazardous Waste Pharmaceuticals Destined for Another Reverse Distributor. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements in subsection (a), for the management of potentially creditable hazardous waste pharmaceuticals that are destined for another reverse distributor for further evaluation or verification of manufacturer credit:

1) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from a healthcare facility must send those potentially creditable hazardous waste pharmaceuticals to another reverse distributor within 180 days after evaluating the potentially creditable hazardous waste pharmaceuticals or must meet subsection (c) for evaluated hazardous waste pharmaceuticals.

2) A reverse distributor that receives potentially creditable hazardous waste pharmaceuticals from another reverse distributor must send those potentially creditable hazardous waste pharmaceuticals to a reverse distributor that is a pharmaceutical manufacturer within 180 days after evaluating the potentially creditable hazardous waste pharmaceuticals or must meet subsection (c) for evaluated hazardous waste pharmaceuticals.

3) A reverse distributor must ship potentially creditable hazardous waste pharmaceuticals destined for another reverse distributor in compliance with Section 726.609.

4) Recordkeeping by Reverse Distributors. A reverse distributor must keep the following records (paper or electronic) readily available upon request by an Agency or USEPA inspector for each shipment of potentially creditable hazardous waste pharmaceuticals that it initiates to another reverse distributor, for at least three years after the date of shipment. The retention periods in this Section are extended automatically during any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

A) The confirmation of delivery; and

B) The USDOT shipping papers prepared in compliance with subpart C of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111, if applicable.

c) Additional Standards for Reverse Distributors Managing Evaluated Hazardous Waste Pharmaceuticals. A reverse distributor that does not have a permit or interim status must comply with the following conditions, in addition to the requirements of subsection (a), for the management of evaluated hazardous waste pharmaceuticals:

1) Accumulation Area at the Reverse Distributor. A reverse distributor must designate an on-site accumulation area where it will accumulate evaluated hazardous waste pharmaceuticals.

2) Inspections of On-Site Accumulation Area. A reverse distributor must inspect its on-site accumulation area at least once every seven days,

looking at containers for leaks and for deterioration caused by corrosion or other factors, as well as for signs of diversion.

3) Personnel Training at a Reverse Distributor. Personnel at a reverse distributor that handle evaluated hazardous waste pharmaceuticals are subject to the training requirements of 35 Ill. Adm. Code 722.117(a)(7).

4) Labeling and Management of Containers at On-Site Accumulation Areas. A reverse distributor accumulating evaluated hazardous waste pharmaceuticals in containers in an on-site accumulation area must do the following:

A) Label the containers with the words "hazardous waste pharmaceuticals";

B) Ensure the containers are in good condition and managed to prevent leaks;

C) Use containers made of or lined with materials that will not react with, and are otherwise compatible with, the evaluated hazardous waste pharmaceuticals, so that the ability of the container to contain the waste is not impaired;

D) Keep containers closed, if holding liquid or gel evaluated hazardous waste pharmaceuticals. If the liquid or gel evaluated hazardous waste pharmaceuticals are in their original, intact, and sealed packaging or in repackaged, intact, and sealed packaging, they meet the closed-container standard;

E) Manage any container of ignitable or reactive evaluated hazardous waste pharmaceuticals, or any container of commingled incompatible evaluated hazardous waste pharmaceuticals so that the container does not have the potential to do any of the following:

i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;

iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

iv) Damage the structural integrity of the container of hazardous waste pharmaceuticals; or

v) Through other like means threaten human health or the environment; and

F) Accumulate evaluated hazardous waste pharmaceuticals that are prohibited from being combusted because of the dilution prohibition of 35 Ill. Adm. Code 728.103(c) (i.e., metal-bearing waste codes listed in 35 Ill. Adm. Code 728.Appendix K unless one or more criteria in 728.103(c)(1) through (6) are met), or because it is prohibited from being lab packed due to 35 Ill. Adm. Code 728.Table C) in separate containers from other evaluated hazardous waste pharmaceuticals at the reverse distributor.

5) Hazardous Waste Numbers. Prior to shipping evaluated hazardous waste pharmaceuticals off site, all containers must be marked with the applicable hazardous waste numbers (i.e., hazardous waste codes), except as provided in 35 Ill. Adm. Code 726.608(a)(1)(C)(iii). A nationally recognized electronic system, such as bar coding or radio frequency identification tag, may be used to identify the USEPA hazardous waste numbers (i.e., hazardous waste codes).

6) Shipments. A reverse distributor must ship evaluated hazardous waste pharmaceuticals that are destined for a permitted or interim status treatment, storage, or disposal facility in compliance with the applicable shipping standards in Section 726.608(a) or (b).

7) Procedures for a Reverse Distributor for Managing Rejected Shipments. A reverse distributor that sends a shipment of evaluated hazardous waste pharmaceuticals to a designated facility with the understanding that the designated facility can accept and manage the waste, and that later receives that shipment back as a rejected load in compliance with the manifest discrepancy provisions of 35 Ill. Adm. Code 724.172 or 725.172, may accumulate the rejected evaluated hazardous waste pharmaceuticals on site for up to an additional 90 days in the on-site accumulation area, if the rejected or returned shipment is managed in compliance with subsections (a) and (c). After receiving the returned shipment, the reverse distributor must do the following:

A) Sign the appropriate of the following:

i) Item 18c (Signature of Alternate Facility (or Generator)) of the original manifest, if the original manifest was used for the returned shipment; or

ii) Item 20 (Designated Facility Owner or Operator. Certification of hazardous materials covered by the

manifest except as noted in Item 18a) of the new manifest, if a new manifest was used for the returned shipment;

B) Provide the transporter a copy of the manifest;

C) Within 30 days after receiving the rejected shipment of evaluated hazardous waste pharmaceuticals, send a copy of the manifest to the designated facility that returned the shipment to the reverse distributor; and

D) Within 90 days after receiving the rejected shipment, transport or offer for transport the returned shipment of evaluated hazardous waste pharmaceuticals in compliance with the applicable shipping standards of Section 726.608(a) or (b).

8) Land Disposal Restrictions. Evaluated hazardous waste pharmaceuticals are subject to the land disposal restrictions of 35 Ill. Adm. Code 728. A reverse distributor that accepts potentially creditable hazardous waste pharmaceuticals from off-site must comply with the land disposal restrictions in 35 Ill. Adm. Code 728.107(a).

9) Reporting by a Reverse Distributor for Evaluated Hazardous Waste Pharmaceuticals

A) Biennial Reporting by a Reverse Distributor. A reverse distributor that ships evaluated hazardous waste pharmaceuticals off-site must prepare and submit a single copy of an annual report to the Agency by March 1 of each year in compliance with 35 Ill. Adm. Code 722.141.

B) Exception Reporting by a Reverse Distributor for a Missing Copy of the Manifest

i) If a reverse distributor does not receive a copy of the manifest with the signature of the owner or operator of the designated or alternate facility within 35 days after the date when the initial transporter accepted the evaluated hazardous waste pharmaceuticals, the reverse distributor must contact the transporter or the owner or operator of the designated or alternate facility to determine the status of the evaluated hazardous waste pharmaceuticals.

ii) A reverse distributor must submit an exception report to the Agency if it has not received a copy of the manifest with the signature of the owner or operator of the designated or alternate facility within 45 days after the date when the

initial transporter accepted the evaluated hazardous waste pharmaceuticals. The exception report must include a legible copy of the manifest for which the reverse distributor does not have confirmation of delivery and a cover letter signed by the reverse distributor, or its authorized representative, explaining the efforts taken to locate the evaluated hazardous waste pharmaceuticals and the results of those efforts.

BOARD NOTE: The Board combined 40 CFR 266.510(c)(9)(ii)(A)(*1*) and (c)(9)(ii)(B)(*1*) as subsection (c)(9)(B)(i) and 40 CFR 266.510(c)(9)(ii)(A)(*2*), (c)(9)(ii)(A)(*2*)(*i*), (c)(9)(ii)(A)(*2*)(*ii*), (c)(9)(ii)(B)(*2*), (c)(9)(ii)(B)(*2*)(*i*), and (c)(9)(ii)(B)(*2*)(*ii*) as subsection (c)(9)(B)(ii) to comport with codification requirements.

10) Recordkeeping by a Reverse Distributor for Evaluated Hazardous Waste Pharmaceuticals

A) A reverse distributor must keep a log (written or electronic) of the inspections of its onsite accumulation area required by subsection (c)(2). The reverse distributor must retain this log as a record for at least three years after the date of the inspection.

B) A reverse distributor must keep a copy of each manifest signed in compliance with 35 Ill. Adm. Code 722.123(a) for three years or until it receives a signed copy from the designated facility that received the evaluated hazardous waste pharmaceutical. The reverse distributor must retain this signed copy as a record for at least three years after the date when the initial transporter accepted the evaluated hazardous waste pharmaceutical.

C) A reverse distributor must keep a copy of each biennial report for at least three years after the due date of the report.

D) A reverse distributor must keep a copy of each exception report for at least three years after submitting the report.

E) A reverse distributor must keep records to document personnel training, in compliance with 35 Ill. Adm. Code 722.117(a)(7)(D).

F) All records must be readily available upon request by an Agency or USEPA inspector. The periods of retention in subsection (c)(10) are extended automatically during any unresolved enforcement action regarding the regulated activity, or as requested in writing by the Agency.

d) When a Reverse Distributor Must Have a Permit. A reverse distributor is an operator of a hazardous waste treatment, storage, or disposal facility and is subject to the requirements of 35 Ill. Adm. Code 724, 725, and 727 and the permit requirements of 35 Ill. Adm. Code 703, if the reverse distributor does any of the following:

1) The reverse distributor fails to meet the conditions of this Section;

2) The reverse distributor accepts manifested hazardous waste from off site; or

3) The reverse distributor treats or disposes of hazardous waste pharmaceuticals on site.

(Source: Amended at 48 Ill. Reg. 17108, effective November 22, 2024)

Section 726.700 Purpose and Applicability

a) The purpose of this subpart is to reduce emissions of ignitable spent refrigerants to the lowest achievable level by maximizing the recovery and safe recycling for reuse of such refrigerants during the service, repair, and disposal of appliances.

b) The requirements of this subpart operate in lieu of Sections 703 and 720 through 728 and apply to lower flammability spent refrigerants, as defined in Section 726.701, where the refrigerant exhibits the hazardous waste characteristic of ignitability per Section 721.121 and is being recycled for reuse in the United States.

c) These requirements do not apply to other ignitable spent refrigerants. Ignitable spent refrigerants not subject to this subpart are subject to all applicable requirements of Sections 703 and 720 through 728 when recovered (*i.e.,* removed from an appliance and stored in an external container) and/or disposed of.

Section 726.701 Definitions for this subpart

For the purposes of this subpart, the following terms have the meanings given below:

a) "*Refrigerant"* means, for purposes of this subpart, any substance, including blends and mixtures, consisting in part or whole of a class I or class II ozone-depleting substance or substitute that is used for heat transfer purposes and provides a cooling effect.

BOARD NOTE: Refrigerant has the same meaning as defined in 40 CFR 82.152.

b) "*Ignitable spent refrigerant"* is a used refrigerant that cannot be reused without first being processed, and that exhibits the hazardous characteristic of ignitability per Section 721.121. Used refrigerants that can be legitimately reused without processing are not spent refrigerant.

c) "*Recycle for reuse"* when referring to an ignitable spent refrigerant, means to process the refrigerant to remove contamination and prepare it to be used again. "Recycle for reuse" does not include recycling that involves burning for energy recovery or use in a manner constituting disposal as defined in Section 721.102(c) or sham recycling as defined in Section 721.102(g).

d) *"Lower flammability spent refrigerant*" means a spent refrigerant that is not considered highly flammable. Highly flammable refrigerants include but are not limited to the following chemicals: butane, isobutane, methane, propane, and/or propylene.

Section 726.702 Standards for ignitable spent refrigerant recycled for reuse under this subpart.

a) Persons who recover (i.e., remove from an appliance and store in an external container) and/or recycle ignitable spent refrigerants for reuse either for further use in equipment of the same owner, or in compliance with motor vehicle air conditioner (MVAC) standards in 40 CFR part 82, subpart B, or who send recovered refrigerant off-site to be recycled for reuse must:

1) Recover or recycle for reuse the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36 or 40 CFR 82.15; and

2) Not speculatively accumulate the ignitable spent refrigerant per Section 721.101 (c).

b) Persons who receive ignitable spent refrigerants from off-site, and are not a transfer facility that stores the refrigerants for less than ten (10) days before sending the refrigerant to another site to be recycled for reuse, must:

1) If recovering the refrigerant, recover the ignitable spent refrigerant using equipment that is certified for that type of refrigerant and appliance under 40 CFR 82.36;

2) Meet the applicable emergency preparedness and response requirements of Section 721; and

3) Not speculatively accumulate the ignitable spent refrigerant per Section 721.101(c).

c) Persons receiving ignitable spent refrigerant from off-site to be recycled for reuse under this subpart must:

1) Maintain certification by USEPA under 40 CFR 82.164;

2) Meet the applicable emergency preparedness and response requirements of Section 721, subpart M; and

3) Starting with the calendar year beginning January 1, 2029, not speculatively accumulate the ignitable spent refrigerant per Section 721.101(c).

Section 726.APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

I-A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain

Values for Urban Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	60.	10000.	18.	60.	600.	60.
6	68.	11000.	20.	68.	680.	68.
8	76.	13000.	23.	76.	760.	76.
10	86.	14000.	26.	86.	860.	86.
12	96.	17000.	30.	96.	960.	96.
14	110.	18000.	34.	110.	1100.	110.
16	130.	21000.	36.	130.	1300.	130.
18	140.	24000.	43.	140.	1400.	140.
20	160.	27000.	46.	160.	1600.	160.
22	180.	30000.	54.	180.	1800.	180.
24	200.	34000.	60.	200.	2000.	200.
26	230.	39000.	68.	230.	2300.	230.
28	260.	43000.	78.	260.	2600.	260.
30	300.	50000.	90.	300.	3000.	300.
35	400.	66000.	110.	400.	4000.	400.
40	460.	78000.	140.	460.	4600.	460.
45	600.	100000.	180.	600.	6000.	600.
50	780.	130000.	230.	780.	7800.	780.
55	960.	170000.	300.	960.	9600.	960.
60	1200.	200000.	360.	1200.	12000.	1200.
65	1500.	250000.	430.	1500.	15000.	1500.
70	1700.	280000.	500.	1700.	17000.	1700.
75	1900.	320000.	580.	1900.	19000.	1900.

80	2200.	360000.	640.	2200.	22000.	2200.
85	2500.	400000.	760.	2500.	25000.	2500.
90	2800.	460000.	820.	2800.	28000.	2800.
95	3200.	540000.	960.	3200.	32000.	3200.
100	3600.	600000.	1100.	3600.	36000.	3600.
105	4000.	680000.	1200.	4000.	40000.	4000.
110	4600.	780000.	1400.	4600.	46000.	4600.
115	5400.	860000.	1600.	5400.	54000.	5400.
120	6000.	1000000.	1800.	6000.	60000.	6000.

I-B

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain

Values for Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	31.	5200.	9.4	31.	310.	31.
6	36.	6000.	11.	36.	360.	36.
8	40.	6800.	12.	40.	400.	40.
10	46.	7800.	14.	46.	460.	46.
12	58.	9600.	17.	58.	580.	58.
14	68.	11000.	21.	68.	680.	68.
16	86.	14000.	26.	86.	860.	86.
18	110.	18000.	32.	110.	1100.	110.
20	130.	22000.	40.	130.	1300.	130.
22	170.	28000.	50.	170.	1700.	170.
24	220.	36000.	64.	220.	2200.	220.
26	280.	46000.	82.	280.	2800.	280.
28	350.	58000.	100.	350.	3500.	350.
30	430.	76000.	130.	430.	4300.	430.
35	720.	120000.	210.	720.	7200.	720.
40	1100.	180000.	320.	1100.	11000.	1100.
45	1500.	250000.	460.	1500.	15000.	1500.
50	2000.	330000.	600.	2000.	20000.	2000.
55	2600.	440000.	780.	2600.	26000.	2600.
60	3400.	580000.	1000.	3400.	34000.	3400.
65	4600.	760000.	1400.	4600.	46000.	4600.
70	5400.	900000.	1600.	5400.	54000.	5400.
75	6400.	1100000.	1900.	6400.	64000.	6400.
80	7600.	1300000.	2300.	7600.	76000.	7600.
85	9400.	1500000.	2800.	9400.	94000.	9400.
90	11000.	1800000.	3300.	11000.	110000.	11000.
95	13000.	2200000.	3900.	13000.	130000.	13000.
100	15000.	2600000.	4600.	15000.	150000.	15000.

105	18000.	3000000.	5400.	18000.	180000.	18000.
110	22000.	3600000.	6600.	22000.	220000.	22000.
115	26000.	4400000.	7800.	26000.	260000.	26000.
120	31000.	5000000.	9200.	31000.	310000.	31000.

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Complex Terrain

Values for Urban and Rural Areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	14.	2400.	4.3	14.	140.	14.
6	21.	3500.	6.2	21.	210.	21.
8	30.	5000.	9.2	30.	300.	30.
10	43.	7600.	13.	43.	430.	43.
12	54.	9000.	17.	54.	540.	54.
14	68.	11000.	20.	68.	680.	68.
16	78.	13000.	24.	78.	780.	78.
18	86.	14000.	26.	86.	860.	86.
20	96.	16000.	29.	96.	960.	96.
22	100.	18000.	32.	100.	1000.	100.
24	120.	19000.	35.	120.	1200.	120.
26	130.	22000.	36.	130.	1300.	130.
28	140.	24000.	43.	140.	1400.	140.
30	160.	27000.	46.	160.	1600.	160.
35	200.	33000.	58.	200.	2000.	200.
40	240.	40000.	72.	240.	2400.	240.
45	300.	50000.	90.	300.	3000.	300.
50	360.	60000.	110.	360.	3600.	360.
55	460.	76000.	140.	460.	4600.	460.
60	580.	94000.	170.	580.	5800.	580.
65	680.	110000.	210.	680.	6800.	680.
70	780.	130000.	240.	780.	7800.	780.
75	860.	140000.	260.	860.	8600.	860.
80	960.	160000.	290.	960.	9600.	960.
85	1100.	180000.	330.	1100.	11000.	1100.
90	1200.	200000.	360.	1200.	12000.	1200.
95	1400.	230000.	400.	1400.	14000.	1400.
100	1500.	260000.	460.	1500.	15000.	1500.
105	1700.	280000.	500.	1700.	17000.	1700.
110	1900.	320000.	580.	1900.	19000.	1900.
115	2100.	360000.	640.	2100.	21000.	2100.
120	2400.	400000.	720.	2400.	24000.	2400.

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Noncomplex Terrain

	Values for use in urban areas				Values for use in rural areas			
TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.46	1.1	0.17	0.82	0.24	0.58	0.086	0.43
6	0.54	1.3	0.19	0.94	0.28	0.66	0.10	0.50
8	0.60	1.4	0.22	1.1	0.32	0.76	0.11	0.56
10	0.68	1.6	0.24	1.2	0.36	0.86	0.13	0.64
12	0.76	1.8	0.27	1.4	0.43	1.1	0.16	0.78
14	0.86	2.1	0.31	1.5	0.54	1.3	0.20	0.96
16	0.96	2.3	0.35	1.7	0.68	1.6	0.24	1.2
18	1.1	2.6	0.40	2.0	0.82	2.0	0.30	1.5
20	1.2	3.0	0.44	2.2	1.0	2.5	0.37	1.9
22	1.4	3.4	0.50	2.5	1.3	3.2	0.48	2.4
24	1.6	3.9	0.58	2.8	1.7	4.0	0.60	3.0
26	1.8	4.3	0.64	3.2	2.1	5.0	0.76	3.9
28	2.0	4.8	0.72	3.6	2.7	6.4	0.98	5.0
30	2.3	5.4	0.82	4.0	3.5	8.2	1.2	6.2
35	3.0	6.8	1.0	5.4	5.4	13.	1.9	9.6
40	3.6	9.0	1.3	6.8	8.2	20.	3.0	15.
45	4.6	11.	1.7	8.6	11.	28.	4.2	21.
50	6.0	14.	2.2	11.	15.	37.	5.4	28.
55	7.6	18.	2.7	14.	20.	50.	7.2	36.
60	9.4	22.	3.4	17.	27.	64.	9.6	48.
65	11.	28.	4.2	21.	36.	86.	13.	64.
70	13.	31.	4.6	24.	43.	100.	15.	76.
75	15.	36.	5.4	27.	50.	120.	18.	90.
80	17.	40.	6.0	30.	60.	140.	22.	110.
85	19.	46.	6.8	34.	72.	170.	26.	130.
90	22.	50.	7.8	39.	86.	200.	30.	150.
95	25.	58.	9.0	44.	100.	240.	36.	180.
100	28.	68.	10.	50.	120.	290.	43.	220.
105	32.	76.	11.	56.	140.	340.	50.	260.
110	36.	86.	13.	64.	170.	400.	60.	300.
115	40.	96.	15.	72.	200.	480.	72.	360.
120	46.	110.	17.	82.	240.	580.	86.	430.

Tier I and Tier II Feed Rate and Emissions Screening Limits for Carcinogenic Metals for Facilities in Complex Terrain

Values for Use in Urban and Rural Areas

TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	0.11	0.26	0.040	0.20
6	0.16	0.39	0.058	0.29
8	0.24	0.58	0.086	0.43
10	0.35	0.82	0.13	0.62
12	0.43	1.0	0.15	0.76
14	0.50	1.3	0.19	0.94
16	0.60	1.4	0.22	1.1
18	0.68	1.6	0.24	1.2
20	0.76	1.8	0.27	1.3
22	0.82	1.9	0.30	1.5
24	0.90	2.1	0.33	1.6
26	1.0	2.4	0.36	1.8
28	1.1	2.7	0.40	2.0
30	1.2	3.0	0.44	2.2
35	1.5	3.7	0.54	2.7
40	1.9	4.6	0.68	3.4
45	2.4	5.4	0.84	4.2
50	2.9	6.8	1.0	5.0
55	3.5	8.4	1.3	6.4
60	4.3	10.	1.5	7.8
65	5.4	13.	1.9	9.6
70	6.0	14.	2.2	11.
75	6.8	16.	2.4	12.
80	7.6	18.	2.7	13.
85	8.2	20.	3.0	15.
90	9.4	23.	3.4	17.
95	10.	25.	4.0	19.
100	12.	28.	4.3	21.
105	13.	32.	4.8	24.
110	15.	35.	5.4	27.
115	17.	40.	6.0	30.
120	19.	44.	6.4	33.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine

Tier I Feed Rate Screening Limits for Total Chlorine

TESH (m)	Noncomplex Terrain Urban (g/hr)	Noncomplex Terrain Rural (g/hr)	Complex Terrain (g/hr)
4	82.	42.	19.
6	91.	48.	28.

8	100.	53.	41.
10	120.	62.	58.
12	130.	77.	72.
14	150.	91.	91.
16	170.	120.	110.
18	190.	140.	120.
20	210.	180.	130.
22	240.	230.	140.
24	270.	290.	160.
26	310.	370.	170.
28	350.	470.	190.
30	390.	580.	210.
35	530.	960.	260.
40	620.	1400.	330.
45	820.	2000.	400.
50	1100.	2600.	480.
55	1300.	3500.	620.
60	1600.	4600.	770.
65	2000.	6200.	910.
70	2300.	7200.	1100.
75	2500.	8600.	1200.
80	2900.	10000.	1300.
85	3300.	12000.	1400.
90	3700.	14000.	1600.
95	4200.	17000.	1800.
100	4800.	21000.	2000.
105	5300.	24000.	2300.
110	6200.	29000.	2500.
115	7200.	35000.	2800.
120	8200.	41000.	3200.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

	Noncomplex Terrain Urban areas		Noncomplex Terrain Rural areas		Complex Terrain Urban and rural areas	
TESH (m)	Chlorine Gas (g/hr)	HCl (g/hr)	Chlorine Gas (g/hr)	HCl (g/hr)	Chlorine gas (g/hr)	HCl (g/hr)
4	82.	1400.	42.	730.	19.	330.
6	91.	1600.	48.	830.	28.	490.
8	100.	1800.	53.	920.	41.	710.
10	120.	2000.	62.	1100.	58.	1000.
12	130.	2300.	77.	1300.	72.	1300.
14	150.	2600.	91.	1600.	91.	1600.
16	170.	2900.	120.	2000.	110.	1800.

18	190.	3300.	140.	2500.	120.	2000.
20	210.	3700.	180.	3100.	130.	2300.
22	240.	4200.	230.	3900.	140.	2400.
24	270.	4800.	290.	5000.	160.	2800.
26	310.	5400.	370.	6500.	170.	3000.
28	350.	6000.	470.	8100.	190.	3400.
30	390.	6900.	580.	10000.	210.	3700.
35	530.	9200.	960.	17000.	260.	4600.
40	620.	11000.	1400.	25000.	330.	5700.
45	820.	14000.	2000.	35000.	400.	7000.
50	1100.	18000.	2600.	46000.	480.	8400.
55	1300.	23000.	3500.	61000.	620.	11000.
60	1600.	29000.	4600.	81000.	770.	13000.
65	2000.	34000.	6200.	110000.	910.	16000.
70	2300.	39000.	7200.	130000.	1100.	18000.
75	2500.	45000.	8600.	150000.	1200.	20000.
80	2900.	50000.	10000.	180000.	1300.	23000.
85	3300.	58000.	12000.	220000.	1400.	25000.
90	3700.	66000.	14000.	250000.	1600.	29000.
95	4200.	74000.	17000.	300000.	1800.	32000.
100	4800.	84000.	21000.	360000.	2000.	35000.
105	5300.	92000.	24000.	430000.	2300.	39000.
110	6200.	110000.	29000.	510000.	2500.	45000.
115	7200.	130000.	35000.	610000.	2800.	50000.
120	8200.	140000.	41000.	720000.	3200.	56000.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX D Reference Air Concentrations

BOARD NOTE: The RAC for other Appendix H to 35 Ill. Adm. Code 721 constituents not listed below or in Appendix E is 0.1 $\mu g/m^3$.

Constituent	CAS No.	RAC ($\mu g/m^3$)
Acetaldehyde	75-07-0	10
Acetonitrile	75-05-8	10
Acetophenone	98-86-2	100
Acrolein	107-02-8	20
Aldicarb	116-06-3	1
Aluminum Phosphide	20859-73-8	0.3
Allyl Alcohol	107-18-6	5
Antimony	7440-36-0	0.3
Barium	7440-39-3	50
Barium Cyanide	542-62-1	50
Bromomethane	74-83-9	0.8
Calcium Cyanide	592-01-8	30

Carbon Disulfide	75-15-0	200
Chloral	75-87-6	2
Chlorine (free)		0.4
2-Chloro-1,3-butadiene	126-99-8	3
Chromium III	16065-83-1	1000
Copper Cyanide	544-92-3	5
Cresols	1319-77-3	50
Cumene	98-82-8	1
Cyanide (free)	57-12-15	20
Cyanogen	460-19-5	30
Cyanogen Bromide	506-68-3	80
Di-n-butyl Phthalate	84-74-2	100
o-Dichlorobenzene	95-50-1	10
p-Dichlorobenzene	106-46-7	10
Dichlorodifluoromethane	75-71-8	200
2,4-Dichlorophenol	120-83-2	3
Diethyl Phthalate	84-66-2	800
Dimethoate	60-51-5	0.8
2,4-Dinitrophenol	51-28-5	2
Dinoseb	88-85-7	0.9
Diphenylamine	122-39-4	20
Endosulfan	115-29-1	0.05
Endrin	72-20-8	0.3
Fluorine	7782-41-4	50
Formic Acid	64-18-6	2000
Glycidylaldehyde	765-34-4	0.3
Hexachlorocyclopentadiene	77-47-4	5
Hexachlorophene	70-30-4	0.3
Hydrocyanic Acid	74-90-8	20
Hydrogen Chloride	7647-01-1	7
Hydrogen Sulfide	7783-06-4	3
Isobutyl Alcohol	78-83-1	300
Lead	7439-92-1	0.09
Maleic Anhydride	108-31-6	100
Mercury	7439-97-6	0.3
Methacrylonitrile	126-98-7	0.1
Methomyl	16752-77-5	20
Methoxychlor	72-43-5	50
Methyl Chlorocarbonate	79-22-1	1000
Methyl Ethyl Ketone	78-93-3	80
Methyl Parathion	298-00-0	0.3
Nickel Cyanide	557-19-7	20
Nitric Oxide	10102-43-9	100
Nitrobenzene	98-95-3	0.8
Pentachlorobenzene	608-93-5	0.8
Pentachlorophenol	87-86-5	30

Phenol	108-95-2	30
M-Phenylenediamine	108-45-2	5
Phenylmercuric Acetate	62-38-4	0.075
Phosphine	7803-51-2	0.3
Phthalic Anhydride	85-44-9	2000
Potassium Cyanide	151-50-8	50
Potassium Silver Cyanide	506-61-6	200
Pyridine	110-86-1	1
Selenious Acid	7783-60-8	3
Selenourea	630-10-4	5
Silver	7440-22-4	3
Silver Cyanide	506-64-9	100
Sodium Cyanide	143-33-9	30
Strychnine	57-24-9	0.3
1,2,4,5-Tetrachlorobenzene	95-94-3	0.3
2,3,4,6-Tetrachlorophenol	58-90-2	30
Tetraethyl Lead	78-00-2	0.0001
Tetrahydrofuran	109-99-9	10
Thallic Oxide	1314-32-5	0.3
Thallium	7440-28-0	0.5
Thallium (I) Acetate	563-68-8	0.5
Thallium (I) Carbonate	6533-73-9	0.3
Thallium (I) Chloride	7791-12-0	0.3
Thallium (I) Nitrate	10102-45-1	0.5
Thallium Selenite	12039-52-0	0.5
Thallium (I) Sulfate	7446-18-6	0.075
Thiram	137-26-8	5
Toluene	108-88-3	300
1,2,4-Trichlorobenzene	120-82-1	20
Trichloromonofluoromethane	75-69-4	300
2,4,5-Trichlorophenol	95-95-4	100
Vanadium Pentoxide	1314-62-1	20
Warfarin	81-81-2	0.3
Xylenes	1330-20-7	80
Zinc Cyanide	557-21-1	50
Zinc Phosphide	1314-84-7	0.3

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX E Risk-Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000 (1×10^{-5}).

Constituent	CAS No.	Unit risk ($m^3/\mu g$)	RSD ($\mu g/m^3$)
Acrylamide	79-06-1	0.0013	0.0077
Acrylonitrile	107-13-1	0.000068	0.15

Aldrin	309-00-2	0.0049	0.0020
Aniline	62-53-3	0.0000074	1.4
Arsenic	7440-38-2	0.0043	0.0023
Benz(a)anthracene	56-55-3	0.00089	0.011
Benzene	71-43-2	0.0000083	1.2
Benzidine	92-87-5	0.067	0.00015
Benzo(a)pyrene	50-32-8	0.0033	0.0030
Beryllium	7440-41-7	0.0024	0.0042
Bis(2-chloroethyl)ether	111-44-4	0.00033	0.030
Bis(chloromethyl)ether	542-88-1	0.062	0.00016
Bis(2-ethylhexyl)-phthalate	117-81-7	0.00000024	42.
1,3-Butadiene	106-99-0	0.00028	0.036
Cadmium	7440-43-9	0.0018	0.0056
Carbon Tetrachloride	56-23-5	0.000015	0.67
Chlordane	57-74-9	0.00037	0.027
Chloroform	67-66-3	0.000023	0.43
Chloromethane	74-87-3	0.0000036	2.8
Chromium VI	7440-47-3	0.012	0.00083
DDT	50-29-3	0.000097	0.10
Dibenz(a,h)anthracene	53-70-3	0.014	0.00071
1,2-Dibromo-3-chloropropane	96-12-8	0.0063	0.0016
1,2-Dibromoethane	106-93-4	0.00022	0.045
1,1-Dichloroethane	75-34-3	0.000026	0.38
1,2-Dichloroethane	107-06-2	0.000026	0.38
1,1-Dichloroethylene	75-35-4	0.000050	0.20
1,3-Dichloropropene	542-75-6	0.35	0.000029
Dieldrin	60-57-1	0.0046	0.0022
Diethylstilbestrol	56-53-1	0.14	0.000071
Dimethylnitrosamine	62-75-9	0.014	0.00071
2,4-Dinitrotoluene	121-14-2	0.000088	0.11
1,2-Diphenylhydrazine	122-66-7	0.00022	0.045
1,4-Dioxane	123-91-1	0.0000014	7.1
Epichlorohydrin	106-89-8	0.0000012	8.3
Ethylene Oxide	75-21-8	0.00010	0.10
Ethylene Dibromide	106-93-4	0.00022	0.045
Formaldehyde	50-00-0	0.000013	0.77
Heptachlor	76-44-8	0.0013	0.0077
Heptachlor Epoxide	1024-57-3	0.0026	0.0038
Hexachlorobenzene	118-74-1	0.00049	0.020
Hexachlorobutadiene	87-68-3	0.000020	0.50
Alpha-hexachlorocyclohexane	319-84-6	0.0018	0.0056
Beta-hexachlorocyclohexane	319-85-7	0.00053	0.019
Gamma-hexachlorocyclohexane	58-89-9	0.00038	0.026
Hexachlorocyclohexane, Technical		0.00051	0.020
Hexachlorodibenzo-p-dioxin (1,2 Mixture)		1.3	0.0000077

Hexachloroethane	67-72-1	0.0000040	2.5
Hydrazine	302-01-2	0.0029	0.0034
Hydrazine Sulfate	302-01-2	0.0029	0.0034
3-Methylcholanthrene	56-49-5	0.0027	0.0037
Methyl Hydrazine	60-34-4	0.00031	0.032
Methylene Chloride	75-09-2	0.0000041	2.4
4,4'-Methylene-bis-2-chloroaniline	101-14-4	0.000047	0.21
Nickel	7440-02-0	0.00024	0.042
Nickel Refinery Dust	7440-02-0	0.00024	0.042
Nickel Subsulfide	12035-72-2	0.00048	0.021
2-Nitropropane	79-46-9	0.027	0.00037
N-Nitroso-n-butylamine	924-16-3	0.0016	0.0063
N-Nitroso-n-methylurea	684-93-5	0.086	0.00012
N-Nitrosodiethylamine	55-18-5	0.043	0.00023
N-Nitrosopyrrolidine	930-55-2	0.00061	0.016
Pentachloronitrobenzene	82-68-8	0.000073	0.14
PCBs	1336-36-3	0.0012	0.0083
Pronamide	23950-58-5	0.0000046	2.2
Reserpine	50-55-5	0.0030	0.0033
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	45.	0.00000022
1,1,2,2-Tetrachloroethane	79-34-5	0.000058	0.17
Tetrachloroethylene	127-18-4	0.00000048	21.
Thiourea	62-56-6	0.00055	0.018
1,1,2-Trichloroethane	79-00-5	0.000016	0.63
Trichloroethylene	79-01-6	0.0000013	7.7
2,4,6-Trichlorophenol	88-06-2	0.0000057	1.8
Toxaphene	8001-35-2	0.00032	0.031
Vinyl Chloride	75-01-4	0.0000071	1.4

(Source: Amended at 37 Ill. Reg. 17888, effective October 24, 2013)

Section 726.APPENDIX F Stack Plume Rise

Estimated Plume Rise (in Meters)
Based on Stack Exit Flow Rate and Gas Temperature

	Exhaust Temperature (K°)										
Flow rate (m^3/sec)	<325	325-349	350-399	400-449	450-499	500-599	600-699	700-799	800-999	1000-1499	>1499
<0.5	0	0	0	0	0	0	0	0	0	0	0
0.5-0.9	0	0	0	0	0	0	0	0	1	1	1
1.0-1.9	0	0	0	0	1	1	2	3	3	3	4
2.0-2.9	0	0	1	3	4	4	6	6	7	8	9
3.0-3.9	0	1	2	5	6	7	9	10	11	12	13
4.0-4.9	1	2	4	6	8	10	12	13	14	15	17

5.0-7.4	2	3	5	8	10	12	14	16	17	19	21
7.5-9.9	3	5	8	12	15	17	20	22	22	23	24
10.0-12.4	4	6	10	15	19	21	23	24	25	26	27
12.5-14.9	4	7	12	18	22	23	25	26	27	28	29
15.0-19.9	5	8	13	20	23	24	26	27	28	29	31
20.0-24.9	6	10	17	23	25	27	29	30	31	32	34
25.0-29.9	7	12	20	25	27	29	31	32	33	35	36
30.0-34.9	8	14	22	26	29	31	33	35	36	37	39
35.0-39.9	9	16	23	28	30	32	35	36	37	39	41
40.0-49.9	10	17	24	29	32	34	36	38	39	41	42
50.0-59.9	12	21	26	31	34	36	39	41	42	44	46
60.0-69.9	14	22	27	33	36	39	42	43	45	47	49
70.0-79.9	16	23	29	35	38	41	44	46	47	49	51
80.0-89.9	17	25	30	36	40	42	46	48	49	51	54
90.0-99.9	19	26	31	38	42	44	48	50	51	53	56
100.0-119.9	21	26	32	39	43	46	49	52	53	55	58
120.0-139.9	22	28	35	42	46	49	52	55	56	59	61
140.0-159.9	23	30	36	44	48	51	55	58	59	62	65
160.0-179.9	25	31	38	46	50	54	58	60	62	65	67
180.0-199.9	26	32	40	48	52	56	60	63	65	67	70
>199.9	26	33	41	49	54	58	62	65	67	69	73

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues

NOTE 1: Under Section 726.212(b)(2)(A), the health-based concentration limits for Appendix H to 35 Ill. Adm. Code 721 constituents for which a health-based concentration is not provided below is 2×10^{-6} mg/kg (0.000002 mg/kg or 0.002 µg/kg).

NOTE 2: The levels specified in this Section and the default level of 0.002 µg/kg (0.000002 mg/kg) or the level of detection for constituents, as identified in Note 1, are administratively stayed under the condition, for those constituents specified in Section 726.212(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in 35 Ill. Adm. Code 728.143 and Table B to 35 Ill. Adm. Code 728 for F039 nonwastewaters. See Section 726.212(b)(2)(A).

Metals-TCLP Extract Concentration Limits

Constituent	CAS No.	Concentration limits (mg/ℓ)
Antimony	7440-36-0	1.
Arsenic	7440-38-2	5.
Barium	7440-39-3	100.
Beryllium	7440-41-7	0.007
Cadmium	7440-43-9	1.
Chromium	7440-47-3	5.

Lead	7439-92-1	5.
Mercury	7439-97-6	0.2
Nickel	7440-02-0	70.
Selenium	7782-49-2	1.
Silver	7440-22-4	5.
Thallium	7440-28-0	7.

Nonmetals-Residue Concentration Limits

Constituent	CAS No.	Concentration limits for residues (mg/kg)
Acetonitrile	75-05-8	0.2
Acetophenone	98-86-2	4.
Acrolein	107-02-8	0.5
Acrylamide	79-06-1	0.0002
Acrylonitrile	107-13-1	0.0007
Aldrin	309-00-2	0.00002
Allyl alcohol	107-18-6	0.2
Aluminum phosphide	20859-73-8	0.01
Aniline	62-53-3	0.06
Barium cyanide	542-62-1	1.
Benz(a)anthracene	56-55-3	0.0001
Benzene	71-43-2	0.005
Benzidine	92-87-5	0.000001
Bis(2-chloroethyl) ether	111-44-4	0.0003
Bis(chloromethyl) ether	542-88-1	0.000002
Bis(2-ethylhexyl) phthalate	117-81-7	30.
Bromoform	75-25-2	0.7
Calcium cyanide	592-01-8	0.000001
Carbon disulfide	75-15-0	4.
Carbon tetrachloride	56-23-5	0.005
Chlordane	57-74-9	0.0003
Chlorobenzene	108-90-7	1.
Chloroform	67-66-3	0.06
Copper cyanide	544-92-3	0.2
Cresols (Cresylic acid)	1319-77-3	2.
Cyanogen	460-19-5	1.
DDT	50-29-3	0.001
Dibenz(a,h)anthracene	53-70-3	0.000007
1,2-Dibromo-3-chloropropane	96-12-8	0.00002
p-Dichlorobenzene	106-46-7	0.075
Dichlorodifluoromethane	75-71-8	7.
1,1-Dichloroethylene	75-35-4	0.005
2,4-Dichlorophenol	120-83-2	0.1
1,3-Dichloropropene	542-75-6	0.001

Dieldrin	60-57-1	0.00002
Diethyl phthalate	84-66-2	30.
Diethylstilbestrol	56-53-1	0.0000007
Dimethoate	60-51-5	0.03
2,4-Dinitrotoluene	121-14-2	0.0005
Diphenylamine	122-39-4	0.9
1,2-Diphenylhydrazine	122-66-7	0.0005
Endosulfan	115-29-7	0.002
Endrin	72-20-8	0.0002
Epichlorohydrin	106-89-8	0.04
Ethylene dibromide	106-93-4	0.0000004
Ethylene oxide	75-21-8	0.0003
Fluorine	7782-41-4	4.
Formic acid	64-18-6	70.
Heptachlor	76-44-8	0.00008
Heptachlor epoxide	1024-57-3	0.00004
Hexachlorobenzene	118-74-1	0.0002
Hexachlorobutadiene	87-68-3	0.005
Hexachlorocyclopentadiene	77-47-4	0.2
Hexachlorodibenzo-p-dioxins	19408-74-3	0.00000006
Hexachloroethane	67-72-1	0.03
Hydrazine	302-01-1	0.0001
Hydrogen cyanide	74-90-8	0.00007
Hydrogen sulfide	7783-06-4	0.000001
Isobutyl alcohol	78-83-1	10.
Methomyl	16752-77-5	1.
Methoxychlor	72-43-5	0.1
3-Methylcholanthrene	56-49-5	0.00004
4,4'-Methylenebis(2-chloroaniline)	101-14-4	0.002
Methylene chloride	75-09-2	0.05
Methyl ethyl ketone (MEK)	78-93-3	2.
Methyl hydrazine	60-34-4	0.0003
Methyl parathion	298-00-0	0.02
Naphthalene	91-20-3	10.
Nickel cyanide	557-19-7	0.7
Nitric oxide	10102-43-9	4.
Nitrobenzene	98-95-3	0.02
N-Nitrosodi-n-butylamine	924-16-3	0.00006
N-Nitrosodiethylamine	55-18-5	0.000002
N-Nitroso-N-methylurea	684-93-5	0.0000001
N-Nitrosopyrrolidine	930-55-2	0.0002
Pentachlorobenzene	608-93-5	0.03
Pentachloronitrobenzene (PCNB)	82-68-8	0.1
Pentachlorophenol	87-86-5	1.
Phenol	108-95-2	1.
Phenylmercury acetate	62-38-4	0.003

Phosphine	7803-51-2	0.01
Polychlorinated biphenyls, N.O.S	1336-36-3	0.00005
Potassium cyanide	151-50-8	2.
Potassium silver cyanide	506-61-6	7.
Pronamide	23950-58-5	3.
Pyridine	110-86-1	0.04
Reserpine	50-55-5	0.00003
Selenourea	630-10-4	0.2
Silver cyanide	506-64-9	4.
Sodium cyanide	143-33-9	1.
Strychnine	57-24-9	0.01
1,2,4,5-Tetrachlorobenzene	95-94-3	0.01
1,1,2,2-tetrachloroethane	79-34-5	0.002
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	0.01
Tetraethyl lead	78-00-2	0.000004
Thiourea	62-56-6	0.0002
Toluene	108-88-3	10.
Toxaphene	8001-35-2	0.005
1,1,2-Trichloroethane	79-00-5	0.006
Trichloroethylene	79-01-6	0.005
Trichloromonofluoromethane	75-69-4	10.
2,4,5-Trichlorophenol	95-95-4	4.
2,4,6-Trichlorophenol	88-06-2	4.
Vanadium pentoxide	1314-62-1	0.7
Vinyl chloride	75-01-4	0.002

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues

PICs Found in Stack Effluents

Volatiles	Semivolatiles
Benzene	Bis(2-ethylhexyl)phthalate
Toluene	Naphthalene
Carbon tetrachloride	Phenol
Chloroform	Diethyl phthalate
Methylene chloride	Butyl benzyl phthalate
Trichloroethylene	2,4-Dimethylphenol
Tetrachloroethylene	o-Dichlorobenzene
1,1,1-Trichloroethane	m-Dichlorobenzene
Chlorobenzene	p-Dichlorobenzene
cis-1,4-Dichloro-2-butene	Hexachlorobenzene
Bromochloromethane	2,4,6-Trichlorophenol

Bromodichloromethane	Fluoranthene
Bromoform	o-Nitrophenol
Bromomethane	1,2,4-Trichlorobenzene
Methylene bromide	o-Chlorophenol
Methyl ethyl ketone	Pentachlorophenol
	Pyrene
	Dimethyl phthalate
	Mononitrobenzene
	2,6-Toluene diisocyanate
	Polychlorinated dibenzo-p-dioxins[1]
	Polychlorinated dibenzo-furans[1]

[1] Analyses for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzo-furans are required only for residues collected from areas downstream of the combustion chamber (e.g., ductwork, boiler tubes, heat exchange surfaces, air pollution control devices, etc.).

BOARD NOTE: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX I Methods Manual for Compliance with BIF Regulations

The document entitled, "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces", December 1990, is available as appendix IX to 40 CFR 266 (Methods Manual for Compliance with the BIF Regulations), incorporated by reference in 35 Ill. Adm. Code 720.111(b). It is also available through NTIS, as described in the incorporation by reference.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)

Section 726.Appendix J Guideline on Air Quality Models (Repealed)

(Source: Repealed at 30 Ill. Reg. 3700, effective February 23, 2006)

Section 726.APPENDIX K Lead-Bearing Materials that May be Processed in Exempt Lead Smelters

a) Exempt lead-bearing materials when generated or originally produced by lead-associated industries.

BOARD NOTE: Lead-associated industries are lead smelters, lead-acid battery manufacturing and lead chemical manufacturing (e.g., manufacturing of lead oxide or other lead compounds).

Acid dump/fill solids

Sump mud

Materials from laboratory analyses

Acid filters

Baghouse bags

Clothing (e.g., coveralls, aprons, shoes, hats, gloves)

Sweepings

Air filter bags and cartridges

Respiratory cartridge filters

Shop abrasive

Stacking boards

Waste shipping containers (e.g., cartons, bags, drums, cardboard)

Paper hand towels

Wiping rags and sponges

Contaminated pallets

Water treatment sludges, filter cakes, residues, and solids

Emission control dusts, sludges, filter cakes, residues, and solids from lead-associated industries (e.g., K069 and D008 wastes)

Spent grinds, posts and separators

Spend batteries

Lead oxide and lead oxide residues

Lead plates and groups

Spent battery cases, covers, and vents

Pasting belts

Water filter media

Cheesecloth from pasting rollers

Pasting additive bags

Asphalt paving materials

b) Exempt lead-bearing materials when generated or originally produced by any industry.

Charging jumpers and clips

Platen abrasive

Fluff from lead wire and cable casings

Lead-based pigments and compounding pigment dust

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX L Nickel or Chromium-Bearing Materials that May be Processed in Exempt Nickel-Chromium Recovery Furnaces

a) Exempt nickel or chromium-bearing materials when generated by manufacturers or users of nickel, chromium, or iron.

Baghouse bags

Raney nickel catalyst

Floor sweepings

Air filters

Electroplating bath filters

Wastewater filter media

Wood Pallets

Disposable clothing (coveralls, aprons, hats, and gloves)

Laboratory samples and spent chemicals

Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes

Respirator cartridge filters

Paper hand towels

b) Exempt nickel or chromium-bearing materials when generated by any industry.

Electroplating wastewater treatment sludges (F006)

Nickel or chromium-containing solutions

Nickel or chromium-containing catalysts

Nickel-cadmium and nickel-iron batteries

Filter cake from wet scrubber system water treatment plants in the specialty steel industry

Filter cake from nickel-chromium alloy pickling operations

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.APPENDIX M Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units

The following materials are exempt mercury-bearing materials containing less than 500 ppm of Appendix H to 35 Ill. Adm. Code 721 organic constituents, when generated by manufacturers or users of mercury or mercury products:

Activated carbon
Decomposer graphite
Wood
Paper
Protective clothing
Sweepings
Respiratory cartridge filters
Cleanup articles
Plastic bags and other contaminated containers
Laboratory and process control samples
K106 and other wastewater treatment plant sludge and filter cake
Mercury cell sump and tank sludge
Mercury cell process solids
Recoverable levels of mercury contained in soil

(Source: Amended at 37 Ill. Reg. 3249, effective March 4, 2013)

Section 726.TABLE A Exempt Quantities for Small Quantity Burner Exemption

TESH (m)	Allowable Hazardous Waste Burning Rate (gal/mo)	TESH	Allowable Hazardous Waste Burning Rate (gal/mo)
0 to 3.9	0	40.0 to 44.9	210
4.0 to 5.9	13	45.0 to 49.9	260
6.0 to 7.9	18	50.0 to 54.9	330
8.0 to 9.9	27	55.0 to 59.9	400
10.0 11.9	40	60.0 to 64.9	490
12.0 to 13.9	48	65.0 to 69.9	610
14.0 to 15.9	59	70.0 to 74.9	680
16.0 to 17.9	69	75.0 to 79.9	760
18.0 to 19.9	76	80.0 to 84.9	850
20.0 to 21.9	84	85.0 to 89.9	960
22.0 to 23.9	93	90.0 to 94.9	1,100
24.0 to 25.9	100	95.0 to 99.9	1,200
26.0 to 27.9	110	100.0 to 104.9	1,300
28.0 to 29.9	130	105.0 to 109.9	1,500
30.0 to 34.9	140	110.0 to 114.9	1,700
35.0 to 39.9	170	115.0 or greater	1,900

BOARD NOTE: Derived from table to 40 CFR 266.108(a)(1).

(Source: Amended at 40 Ill. Reg. 11955, effective August 9, 2016)

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

PART 727
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A RCRA STANDARDIZED PERMIT

Section

727.100 General
727.110 General Facility Standards
727.130 Preparedness and Prevention
727.150 Contingency Plan and Emergency Procedures
727.170 Recordkeeping, Reporting, and Notifying
727.190 Releases from Solid Waste Management Units
727.210 Closure
727.240 Financial Requirements
727.270 Use and Management of Containers
727.290 Tank Systems
727.900 Containment Buildings

727.APPENDIX A Financial Assurance Forms (Repealed)
727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)
727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for Liability Coverage (Repealed)
727.APPENDIX B Correlation of State and Federal Provisions
727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to State Provisions
727.TABLE B Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

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

SOURCE: Adopted in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1146, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12829, effective July 14, 2008; amended in R13-15 at 37 Ill. Reg. 17909, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7221, effective March 13, 2014; amended in R16-7 at 40 Ill. Reg. 12011, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24055, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6076, May 2, 2019.

Section 727.100 General

a) Purpose, Scope, and Applicability

1) The purpose of this Part is to establish minimum national standards that define the acceptable management of hazardous waste under a RCRA standardized permit, as such is defined in 35 Ill. Adm. Code 702.110 and 720.110, issued pursuant to Subpart J of 35 Ill. Adm. Code 703.

2) This Part applies to owners and operators of facilities that treat or store hazardous waste under a RCRA standardized permit issued pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided otherwise in Subpart A of 35 Ill. Adm. Code 721 or 35 Ill. Adm. Code 724.101(f) and (g).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.1 (2017). The exemptions of subsection (a)(2) are directly derived from corresponding 40 CFR 267.1(b). The Board assumes that USEPA exempted from the RCRA standardized permit requirements those wastes excluded from the definition of hazardous waste (in Subpart A of 35 Ill. Adm. Code 721) and those exempted from the T/S/D facility standards (by 35 Ill. Adm. Code 724.101(g)). The Board has retained the reference to 35 Ill. Adm. Code 724.101(f), even though it does no more than reference corresponding 40 CFR 264.1(f), which relates exclusively to the applicability of the federal regulations.

b) Relationship to Interim Status Standards. A facility owner or operator that has fully complied with the requirements for interim status, as defined in section 3005(e) of federal RCRA and regulations pursuant to 35 Ill. Adm. Code 703.153, must comply with the regulations specified in 35 Ill. Adm. Code 725 instead of the regulations in this Part, until final administrative disposition of the RCRA standardized permit application is made, except as provided in Subpart S of 35 Ill. Adm. Code 724.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.2 (2017).

c) Effect on a Federal Imminent Hazard Action. Notwithstanding any other provisions of this Part, enforcement actions may be brought in a federal court pursuant to section 7003 of RCRA.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.3 (2017). The corresponding federal regulation relates to an imminent hazard action under RCRA. An enforcement action for violation of any applicable provision of the Act is also possible.

d) Electronic Reporting. The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (d) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h) (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.110 General Facility Standards

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste under a 35 Ill. Adm. Code 703.Subpart J RCRA standardized permit, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.10.

b) Compliance with This Section. To comply with this Section, the facility owner or operator must obtain a USEPA identification number and follow the requirements of this Part for waste analysis, security, inspections, training, special waste handling, and location standards.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.11.

c) Obtaining a USEPA Identification Number. The facility owner or operator must apply to the Agency for a USEPA identification number using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12).

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.12. USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

d) Waste Analysis Requirements

1) Before it treats or stores any hazardous wastes, the facility owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information needed to treat or store the waste to comply with this Part and 35 Ill. Adm. Code 728.

A) The facility owner or operator may include data in the analysis that was developed pursuant to 35 Ill. Adm. Code 721 or data published or documented on the hazardous waste or on hazardous waste generated from similar processes.

B) The facility owner or operator must repeat the analysis as necessary to ensure that it is accurate and up to date. At a minimum, the owner or operator must repeat the analysis if the process or operation generating the hazardous wastes has changed.

2) The facility owner or operator must develop and follow a written waste analysis plan that describes the procedures it will follow to comply with subsection (d)(1). The owner or operator must keep this plan at the facility. If the owner or operator receives wastes generated from off-site and is eligible for a RCRA standardized permit, the owner or operator also must have submitted the waste analysis plan with the Notice of Intent. At a minimum, the plan must specify all of the following:

A) The hazardous waste parameters that the owner or operator will analyze and the rationale for selecting these parameters (that is, how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (d)(1)).

B) The test methods the owner or operator will use to test for these parameters.

C) The sampling method the owner or operator will use to obtain a representative sample of the waste to be analyzed. The owner or operator may obtain a representative sample using either of the following methods:

i) One of the sampling methods described in Appendix A of 35 Ill. Adm. Code 721; or

ii) An equivalent sampling method.

D) How frequently the owner or operator will review or repeat the initial analysis of the waste to ensure that the analysis is accurate and up to date.

E) Where applicable, the methods the owner or operator will use to meet the additional waste analysis requirements for specific waste management methods, as specified in 35 Ill. Adm. Code 724.117, 724.934(d), 724.963(d), and 724.983.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.13.

e) Security Requirements

1) The facility owner or operator must prevent, and minimize the possibility for, livestock and unauthorized people from entering the active portion of its facility.

2) The facility must have either of the features listed in subsection (e)(2)(A) or those listed in subsection (e)(2)(B).

A) A 24-hour surveillance system (for example, television monitoring or surveillance by guards or facility personnel) that continuously monitors and controls entry onto the active portion of the facility; or

B) Both of the following:

i) An artificial or natural barrier (for example, a fence in good repair or a fence combined with a cliff) that completely surrounds the active portion of the facility; and

ii) A means to control entry, at all times, through the gates or other entrances to the active portion of the facility (for example, an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

3) The facility owner or operator must post a sign at each entrance to the active portion of a facility, and at other prominent locations, in sufficient numbers to be seen from any approach to this active portion. The sign must bear the legend "Danger—Unauthorized Personnel Keep Out". The legend must be in English and in any other language predominant in the area surrounding the facility (for example, French or Spanish), and must be legible from a distance of at least 25 feet. The owner or operator may use existing signs with a legend other than "Danger—Unauthorized Personnel Keep Out" if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and entry onto the active portion can be dangerous.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.14.

f) General Inspection Requirements

1) The owner or operator must inspect its facility for malfunctions and deterioration, operator errors, and discharges that may be causing, or may lead to either of the conditions listed in subsection (f)(1)(A) or (f)(1)(B). The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they result in harm to human health and the environment.

A) A release of hazardous waste constituents to the environment; or

B) A threat to human health.

2) The facility owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

A) The owner or operator must keep this schedule at the facility.

B) The schedule must identify the equipment and devices that the owner or operator will inspect and what problems it will look for, such as malfunctions or deterioration of equipment (for example, inoperative sump pump, leaking fitting, etc.).

C) The frequency of the owner's or operator's inspections may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies required in Sections 727.270(e), 727.290(d) and (f), and 727.900(d) and 35 Ill. Adm. Code 724.933, 724.952, 724.953, 724.958, and 724.983 through 724.989, where applicable.

3) The facility owner or operator must remedy any deterioration or malfunction of equipment or structures that the inspection reveals in time to prevent any environmental or human health hazards. Where hazard is imminent or has already occurred, the owner or operator must take immediate remedial action.

4) The facility owner or operator must record all inspections. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, the owner or operator must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.15.

g) Employee Training

1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The facility owner or operator must ensure that this program

includes all the elements described in the documents that are required pursuant to subsection (g)(4)(C).

A) A person trained in hazardous waste management procedures must direct this program and must teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their employment positions.

B) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by including instruction on emergency procedures, emergency equipment, and emergency systems, including all of the following, where applicable:

i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.

ii) Key parameters for automatic waste feed cut-off systems.

iii) Communications or alarm systems.

iv) Response to fires or explosions.

v) Response to groundwater contamination incidents.

vi) Shutdown of operations.

2) Facility personnel must successfully complete the program required in subsection (g)(1) within six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of the owner's or operator's RCRA standardized permit must not work in unsupervised positions until they have completed the training requirements of subsection (g)(1).

3) Facility personnel must take part in an annual review of the initial training required in subsection (g)(1).

4) The facility owner or operator must maintain the following documents and records at its facility:

A) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

B) A written job description for each position listed pursuant to subsection (g)(4)(A). This description must include the requisite

skill, education, or other qualifications, and duties of employees assigned to each position;

C) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed pursuant to subsection (g)(4)(A);

D) Records that document that facility personnel have received and completed the training or job experience required pursuant to subsections (g)(1), (g)(2), and (g)(3).

5) The facility owner or operator must keep training records on current personnel until its facility closes. The owner or operator must keep training records on former employees for at least three years from the date the employee last worked at its facility. Personnel training records may accompany personnel transferred within a company.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.16.

h) Requirements for Managing Ignitable, Reactive, or Incompatible Wastes

1) The facility owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste by following these requirements:

A) The owner or operator must separate these wastes and protect them from sources of ignition or reaction such as open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (for example, from heat-producing chemical reactions), and radiant heat.

B) While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flames to specially designated locations.

C) "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

2) If it treats or stores ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, the owner or operator must take precautions to prevent reactions that do the following:

A) Generate extreme heat or pressure, fire or explosions, or violent reactions.

B) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment.

C) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions.

D) Damage the structural integrity of the device or facility.

E) Threaten human health and the environment in any similar way.

3) The facility owner or operator must document compliance with subsection (h)(1) or (h)(2). The owner or operator may base this documentation on references to published scientific or engineering literature, data from trial tests (for example bench scale or pilot scale tests), waste analyses (as specified in Section 727.110(d)), or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.17.

i) Facility Location Standards

1) The facility owner or operator may not locate any portion of a new facility where hazardous waste will be treated or stored within 61 meters (200 feet) of a fault that has had displacement in Holocene time.

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: Under the note to corresponding 40 CFR 267.18(a)(3) and 40 CFR 270.14(b)(11), a facility that is in a political jurisdiction other than those listed in appendix VI of 40 CFR 264, incorporated by reference in 35 Ill. Adm. Code 720.111(b), is assumed to be in compliance with this requirement. No area of Illinois is listed in appendix VI of 40 CFR 264.

2) If an owner's or operator's facility is located within a 100-year flood plain, it must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood.

A) "100-year flood plain" means any land area that 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 equaled or exceeded in any given year.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.18.

(Source: Amended at 43 Ill. Reg. 6076, May 2, 2019)

Section 727.130 Preparedness and Prevention

a) Applicability of this Section. This Section applies to the owner and operator of a facility that treats or stores hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.30 (2015).

b) General Facility Design and Operation Standards. The facility owner or operator must design, construct, maintain, and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.31 (2015).

c) Required Facility Equipment. A facility must be equipped with all of the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

1) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

2) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

3) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

4) Water at adequate volume and pressure to supply water hose streams, or foam-producing equipment, or automatic sprinklers, or water spray systems.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.32 (2015).

d) Equipment Testing and Maintenance Requirements. The facility owner or operator must test and maintain all required facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, as necessary, to assure its proper operation in time of emergency.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.33 (2015).

e) Facility Personnel Access to Communication Equipment or an Alarm System.

1) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the device is not required pursuant to Section 727.130(c).

2) If just one employee is on the premises while the facility is operating, that person must have immediate access to a communication device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the device is not required pursuant to Section 727.130(c).

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.34 (2015).

f) Ensuring Access for Personnel and Equipment During Emergencies. The facility owner or operator must maintain enough aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, as appropriate, considering the type of waste being stored or treated.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.35 (2015).

g) Required Emergency Arrangements with Local Authorities.

1) The facility owner or operator must attempt to make the following arrangements, as appropriate, for the type of waste handled at its facility and the potential need for the services of these organizations:

A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility,

properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

B) Agreements designating primary emergency authority to a specific police and a specific fire department where more than one police and fire department might respond to an emergency, and agreements with any others to provide support to the primary emergency authority;

C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

2) If State or local authorities decline to enter into such arrangements, the facility owner or operator must document the refusal in the operating record.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.36 (2015).

(Source: Amended at 40 Ill. Reg. 12011, effective August 9, 2016)

Section 727.150 Contingency Plan and Emergency Procedures

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.50 (2017).

b) The Purpose and Use of the Contingency Plan

1) The facility owner or operator must have a contingency plan for its facility. The owner or operator must design the plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

2) The owner or operator must implement the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous

waste or hazardous waste constituents that could threaten human health or the environment.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.51 (2017).

c) Contents of the Contingency Plan

1) The facility contingency plan must include the following information:

A) It must describe the actions facility personnel will take to comply with subsections (b) and (g) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility;

B) It must describe all arrangements agreed upon pursuant to Section 727.130(g) by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services;

C) It must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (f)), and the owner or operator must keep the list up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates;

D) It must include a current list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. In addition, the facility owner or operator must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

E) It must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

2) If the facility owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan pursuant to federal 40 CFR 112, or some other emergency or contingency plan, the owner or operator needs only to amend that plan to incorporate hazardous waste management provisions that will comply with the requirements of this Part.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.52 (2017).

d) Who Must Have Copies of the Contingency Plan

1) The facility owner or operator must maintain a copy of the plan with all revisions at the facility; and

2) The owner or operator must submit a copy with all revisions to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.53 (2017).

e) When the Facility Owner or Operator Must Amend the Contingency Plan. The facility owner or operator must review, and immediately amend the contingency plan, if necessary, whenever any of the following occurs:

1) The facility permit is revised;

2) The plan fails in an emergency;

3) The owner or operator changes the facility (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

4) The owner or operator changes the list of emergency coordinators; or

5) The owner or operator changes the list of emergency equipment.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.54 (2017).

f) The Role of the Emergency Coordinator. At least one employee must be either on the facility premises or on call at all times (that is, available to respond to an emergency by reaching the facility within a short period of time) who has the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.55 (2017).

g) Required Emergency Procedures for the Emergency Coordinator

1) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately undertake the following actions:

A) He or she must activate internal facility alarm or communication systems, where applicable, to notify all facility personnel; and

B) He or she must notify appropriate State or local agencies with designated response roles if their help is needed.

2) Whenever there is a release, fire, or explosion, the emergency coordinator must undertake the following actions:

A) He or she must immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis; and

B) He or she must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion. For example, the assessment would consider the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions.

3) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, he or she must report his findings as follows:

A) If his or her assessment indicates that evacuation of local areas may be advisable, he or she must immediately notify appropriate local authorities. He or she must be available to help appropriate officials decide whether local areas should be evacuated; and

B) He or she must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll-free number 800-424–8802). The report must include the following information:

i) The name and telephone number of the reporter;

ii) The name and address of facility;

iii) The time and type of incident (for example, a release or a fire);

iv) The name and quantity of materials involved, to the extent known;

v) The extent of injuries, if any; and

vi) The possible hazards to human health, or the environment outside the facility.

4) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

5) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, when appropriate.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.56 (2017).

h) The Emergency Coordinator's Responsibilities after an Emergency

1) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

2) The emergency coordinator must ensure that the following occur in the affected areas of the facility:

A) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

B) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.57 (2017).

i) Emergency Notification and Recordkeeping Requirements

1) The facility owner or operator must notify the Agency and other appropriate State and local authorities that the facility is in compliance with Section 727.150(h)(2) before operations are resumed in the affected areas of the facility.

2) The facility owner or operator must note the time, date, and details of any incident that requires implementing the contingency plan in the operating record. Within 15 days after the incident, the owner or operator must submit a written report on the incident to the Agency. The owner or operator must include the following information in the report:

A) The name, address, and telephone number of the owner or operator;

B) The name, address, and telephone number of the facility;

C) The date, time, and type of incident (e.g., fire, explosion);

D) The name and quantity of materials involved;

E) The extent of injuries, if any;

F) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

G) The estimated quantity and disposition of recovered material that resulted from the incident.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.58 (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.170 Recordkeeping, Reporting, and Notifying

a) Applicability of This Section. This Section applies to the owner and operator of a facility that stores or non-thermally treats a hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2). In addition, the owner or operator must comply with the manifest requirements of 35 Ill. Adm. Code 722 whenever a shipment of hazardous waste is initiated from the facility.

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.70 (2017).

b) Use of the Manifest System

1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or its agent, must do each of the following:

A) It must sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

B) It must note any significant discrepancies in the manifest (as defined in Section 727.170(c)(1)) on each copy of the manifest;

C) It must immediately give the transporter at least one copy of the signed manifest;

D) Within 30 days after the delivery, it must send a copy of the manifest to the generator;

E) It must retain at the facility a copy of each manifest for at least three years from the date of delivery; and

F) If a facility receives hazardous waste subject to Subpart H of 35 Ill. Adm. Code 722 from a foreign source, the receiving facility must do both of the following:

i) Additionally list the relevant waste stream consent number from consent documentation supplied by USEPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b of the hazardous waste manifest (USEPA Form 8700-22). If additional space is needed, the receiving facility should use Continuation Sheets (USEPA Form 8700-22A); and

ii) Mail a copy of the hazardous waste manifest to USEPA using the addresses listed in 35 Ill. Adm. Code 722.182(e) within 30 days of delivery until the facility can submit such a copy to the e-Manifest system per 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

2) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification, and signatures), the owner or operator, or its agent, must do each of the following:

A) It must sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

B) It must note any significant discrepancies (as defined in Section 727.170(c)(1)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: USEPA does not intend that the owner or operator of a facility whose procedures pursuant to Section 727.110(d)(3) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 727.170(c)(2), however, requires reporting an unreconciled discrepancy discovered during later analysis.

C) It must immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

D) Within 30 days after the delivery, it must send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or its agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: Section 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

E) It must retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

3) Whenever a shipment of hazardous waste is initiated from a facility, the facility owner or operator must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.116 or 722.117 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.116 or 722.117 apply only to an owner or operator that is shipping hazardous waste that it generated at that facility.

4) As required by 35 Ill. Adm. Code 722.184(d)(2)(O), within three working days after the receipt of a shipment subject to Subpart H of 35 Ill. Adm.

Code 722, the owner or operator of the facility must provide a copy of the movement document bearing all required signatures to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export or transit of hazardous waste. On or after the electronic import-export reporting compliance date, to USEPA electronically using USEPA's Waste Import Export Tracking System (WIETS). The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on USEPA's WIETS, provided that copies are readily available for viewing and production if requested by any USEPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with USEPA's WIETS for which the owner or operator of a facility bears no responsibility.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.71 (2017).

c) Manifest Discrepancies

1) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are either of the following:

A) For bulk waste, variations greater than 10 percent in weight; or

B) For batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences that can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

2) Upon discovering a significant discrepancy, the facility owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Agency a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.72 (2017).

d) Retention of Information

1) The facility owner or operator must keep a written operating record at its facility.

2) The facility owner or operator must record the following information, as it becomes available, and maintain the operating record until it closes the facility:

A) A description and the quantity of each type of hazardous waste generated, and the methods and dates of its storage or treatment at the facility as required by Appendix A of 35 Ill. Adm. Code 724;

B) The location of each hazardous waste within the facility and the quantity at each location;

C) Records and results of waste analyses and waste determinations performed as specified in Section 727.110(d) and (h) and 35 Ill. Adm. Code 724.934, 724.963, 724.983, and 728.107;

D) Summary reports and details of all incidents that require the owner or operator to implement the contingency plan as specified in Section 727.150(i)(2));

E) Records and results of inspections as required by Section 727.110(f)(4) (except that the facility owner or operator needs to keep these data for only three years);

F) Monitoring, testing or analytical data, and corrective action when required by Section 727.190, Section 727. 290(b), (d), and (f) and 35 Ill. Adm. Code 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, 724.988, 724.989, and 724.990;

G) All closure cost estimates pursuant to Section 727.240(c);

H) The facility owner or operator certification, executed at least annually, that the owner or operator has a program in place to reduce the volume and toxicity of hazardous waste that it generates to the degree that the owner or operator determines to be economically practicable; and that the proposed method of treatment or storage is that practicable method currently available to the owner or operator that minimizes the present and future threat to human health and the environment;

I) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required by the facility owner or operator pursuant to 35 Ill. Adm. Code 728.107;

J) For an on-site storage facility, the information in the notice (except the manifest number), and the certification and demonstration, if applicable, required by the facility owner or operator pursuant to 35 Ill. Adm. Code 728.107;

K) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the facility owner or operator pursuant to 35 Ill. Adm. Code 728.107 or 728.108; and

L) For an off-site storage facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator pursuant to 35 Ill. Adm. Code 728.107 or 728.108.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.73 (2017).

e) Availability of Records

1) The facility owner or operator must furnish all records, including plans, required pursuant to this Part upon the request of any officer, employee, or representative of the Agency or USEPA and make them available at all reasonable times for inspection.

2) The retention period for all records required pursuant to this Part is extended automatically during the course of any unresolved enforcement action involving the facility or as requested in writing by the Agency. BOARD NOTE: Any Agency request for extended records retention under this subsection (e)(2) is subject to Board review pursuant to Section 40 of the Act.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.74 (2017).

f) Submission of Reports. The facility owner or operator must prepare an annual facility activities report and other reports listed in subsection (f)(2).

1) Annual Facility Activities Report. The facility owner or operator must prepare and submit a single copy of an annual facility activities report to the Agency by March 1 of each year. The annual facility activities report must be submitted on USEPA Form 8700-13B. The report must cover

facility activities during the previous calendar year and must include the following information:

BOARD NOTE: Corresponding 40 CFR 267.75(a) (2006) requires biennial reporting. The Board has required annual reporting, since Section 20.1 of the Act requires the Agency to assemble annual reports, and only annual facility activity reports will enable the Agency to fulfill this mandate.

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

B) The calendar year covered by the report;

C) The method of treatment or storage for each hazardous waste;

D) The most recent closure cost estimate pursuant to Section 727.240(c);

E) A description of the efforts undertaken during the year to reduce the volume and toxicity of generated waste;

F) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984; and

G) The certification signed by the owner or operator.

2) Additional Reports. In addition to submitting the annual reports, the owner or operator must also report the following information to the Agency:

A) Releases, fires, and explosions as specified in Section 727.150(i)(2);

B) Facility closures specified in Section 727.210(h); and

C) Other information as otherwise required by Sections 727.270, 727.290, and 727.900 and Subparts AA, BB, and CC of 35 Ill. Adm. Code 724.

3) For off-site facilities, the USEPA 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.

4) 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 USEPA identification number of each generator.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.75 (2017).

g) Required Notifications. Before transferring ownership or operation of a facility during its operating life, the facility owner or operator must notify the new owner or operator in writing of the requirements of this Part and Subpart J of 35 Ill. Adm. Code 703.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.76 (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.190 Releases from Solid Waste Management Units

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2), or unless its facility already has a permit that imposes requirements for corrective action pursuant to 35 Ill. Adm. Code 724.201.

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.90 (2017).

b) This subsection (b) corresponds with 40 CFR 267.91, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

c) This subsection (c) corresponds with 40 CFR 267.92, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

d) This subsection (d) corresponds with 40 CFR 267.93, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

e) This subsection (e) corresponds with 40 CFR 267.94, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

f) This subsection (f) corresponds with 40 CFR 267.95, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

g) This subsection (g) corresponds with 40 CFR 267.96, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

h) This subsection (h) corresponds with 40 CFR 267.97, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

i) This subsection (i) corresponds with 40 CFR 267.98, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

j) This subsection (j) corresponds with 40 CFR 267.99, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

k) This subsection (k) corresponds with 40 CFR 267.100, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

l) Requirements for addressing corrective action for solid waste management units.

1) The facility owner or operator must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.

2) The Agency must specify corrective action in the supplemental portion of the facility owner's or operator's RCRA standardized permit in accordance with this subsection (l) and Subpart S of 35 Ill. Adm. Code 724. The Agency must include in the supplemental portion of the RCRA standardized permit schedules of compliance for corrective action (where corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing corrective action.

3) The facility owner or operator must implement corrective action beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the Agency that, despite its best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner or operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. The owner or operator must provide assurances of financial responsibility for such corrective action.

4) The facility owner or operator of a remediation site does not have to comply with this subsection (l) unless the site is part of a facility that is subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

BOARD NOTE: Subsection (l) is derived from 40 CFR 267.101 (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.210 Closure

a) Applicability of This Section. This Section applies to the facility owner or operator of a facility that treats or stores hazardous waste under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.110 (2017).

b) Required General Standards When Operations Cease. The facility owner or operator must close the storage and treatment units in a manner that fulfills the following conditions:

1) It minimizes the need for further maintenance;

2) It controls, minimizes, or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere; and

3) It meets the closure requirements of this Section and the requirements of Sections 727.270(g), 727.290(l), and 727.900(i). If the facility owner or operator determines that, when applicable, the closure requirements of Section 727.290(l) (tanks) or 727.900(i) (containment buildings) cannot be met, then the owner or operator must close the unit in accordance with the requirements that apply to landfills (35 Ill. Adm. Code 724.410). In addition, for the purposes of post-closure and financial responsibility, such a tank system or containment building is then considered to be a landfill, and the owner or operator must apply for a post-closure care permit in accordance with 35 Ill. Adm. Code 702 and 703.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.111 (2017).

c) Closure Procedures

1) To close a facility, the facility owner or operator must follow its approved closure plan, and follow notification requirements.

A) The facility owner or operator must submit its closure plan at the time it submits its Notice of Intent to operate under a RCRA standardized permit. Final issuance of the RCRA standardized permit constitutes approval of the closure plan, and the plan becomes a condition of the RCRA standardized permit.

B) The Agency's approval of the plan must ensure that the approved plan is consistent with Sections 727.210(b) through (f), 727.270(g), 727.290(l), and 727.900(i).

2) Content of Closure Plan. The closure plan must identify steps necessary to perform partial or final closure of the facility. The closure plan must include at least the following minimum information:

A) A description of how each hazardous waste management unit at the facility subject to this Section will be closed following the requirements of Section 727.210(b);

B) A description of how final closure of the facility will be conducted in accordance with Section 727.210(b). The description must identify the maximum extent of the operations that will be unclosed during the active life of the facility;

C) An estimate of the maximum inventory of hazardous wastes ever on site during the active life of the facility and a detailed description of the methods that the facility owner or operator will use during partial or final closure, such as methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the types of off-site hazardous waste management units to be used, if applicable;

D) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial or final closure. These might include procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

E) A detailed description of other activities necessary during the closure period to ensure that partial or final closure satisfies the closure performance standards;

F) A schedule for closure of each hazardous waste management unit, and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities that allow tracking of progress of partial or final closure; and

G) For facilities that use trust funds to establish financial assurance pursuant to Section 727.240(d) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

3) The facility owner or operator may submit a written notification to the Agency for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility, following the applicable procedures in 35 Ill. Adm. Code 705.304.

A) Events leading to a change in the closure plan, and therefore requiring a modification, may include the following:

i) A change in the operating plan or facility design;

ii) A change in the expected year of closure, if applicable; or

iii) In conducting partial or final closure activities, an unexpected event requiring a modification of the approved closure plan.

B) The written notification or request must include a copy of the amended closure plan for review or approval by the Agency. The Agency must approve, disapprove, or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 703.353 and 705.304.

4) Notification before Final Closure

A) The facility owner or operator must notify the Agency in writing at least 45 days before the date that it expects to begin final closure of a treatment or storage tank, container storage area, or containment building.

B) The date when the owner or operator "expects to begin closure" must be no later than 30 days after the date that any hazardous waste management unit receives the known final volume of hazardous wastes.

C) If the facility's permit is terminated, or if the facility owner or operator is otherwise ordered, by a federal judicial decree or final order pursuant to section 3008 of RCRA (42 USC 6928), to cease receiving hazardous wastes or to close, then the requirements of this subsection (c)(4) do not apply. However, the owner or operator must close the facility following the deadlines established in subsection (f).

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.112 (2017).

d) Opportunity for Public Comment on the Plan

1) The Agency must provide the facility owner or operator and the public, when the draft RCRA standardized permit is public noticed, the opportunity to submit written comments on the plan and to the draft permit as allowed by 35 Ill. Adm. Code 705.303(b). The Agency must also, in response to a request or at its own discretion, hold a public hearing whenever it determines that such a hearing might clarify one or more issues concerning the closure plan, and the permit.

2) The Agency must give public notice of the hearing 30 days before it occurs. Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.113 (2017).

e) This subsection (e) corresponds with 40 CFR 267.114, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

f) Time Allowed for Closure

1) Within 90 days after the final volume of hazardous waste is sent to a unit, the facility owner or operator must treat or remove all hazardous wastes from the unit following the approved closure plan.

2) The facility owner or operator must complete final closure activities in accordance with the approved closure plan within 180 days after the final volume of hazardous wastes is sent to the unit. The Agency may approve an extension of 180 days to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that the conditions of subsections (f)(2)(A) and (f)(2)(B) are fulfilled subject to the limitation of subsection (f)(2)(C):

A) The final closure activities will take longer than 180 days to complete due to circumstances beyond the control of the owner or operator, excluding groundwater contamination;

B) The facility owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed, but not operating hazardous waste management unit or facility, including compliance with all applicable permit requirements.

C) The owner or operator must make the demonstration of subsections (f)(2)(A) and (f)(2)(B) at least 30 days prior to the expiration of the initial 180-day period.

3) Nothing in this subsection (f) precludes the facility owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved final closure plan at any time before or after notification of final closure.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.115 (2017).

g) Disposition of Contaminated Equipment, Structure, and Soils. The facility owner or operator must properly dispose of or decontaminate all contaminated equipment, structures, and soils during the partial and final closure periods. By removing any hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that waste following all applicable requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.116 (2017).

h) Certification of Closure. Within 60 days after the completion of final closure of each unit under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 705, the facility owner or operator must submit to the Agency, by registered mail, a certification that each hazardous waste management unit or facility, as applicable, has been closed following the specifications in the closure plan. Both the owner or operator and an independent registered professional engineer must sign the certification. The owner or operator must furnish documentation supporting the independent registered professional engineer's certification to the Agency upon request until the Agency releases the owner or operator from the financial assurance requirements for closure pursuant to Section 727.240(d)(10).

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.117 (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.240 Financial Requirements

a) Applicability and Substance of the Financial Requirements

1) The regulations in this Section apply to owners and operators who treat or store hazardous waste under a RCRA standardized permit, except as provided in Section 727.100(a)(2) or subsection (a)(4).

2) The facility owner or operator must do each of the following:

A) It must prepare a closure cost estimate as required in subsection (c);

B) It must demonstrate financial assurance for closure as required in subsection (d); and

C) It must demonstrate financial assurance for liability as required in subsection (h).

3) The owner or operator must notify the Agency if the owner or operator is named as a debtor in a bankruptcy proceeding under Title 11 (Bankruptcy) of the United States Code (see also subsection (i)).

4) States and the federal government are exempt from the requirements of this Section.

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.140 (2017).

b) Definitions of Terms as Used in This Section

1) "Closure plan" means the plan for closure prepared in accordance with the requirements of Section 727.210(c).

2) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsections (c)(1), (c)(2), and (c)(3).

3) This subsection (b)(3) corresponds with 40 CFR 267.141(c), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

4) "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation which is the facility owner or operator. In this instance, the owned corporation that is the facility owner or operator is deemed a "subsidiary" of the parent corporation.

5) This subsection (b)(5) corresponds with 40 CFR 267.141(e), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

6) The following terms are used in the specifications for the financial tests for closure and liability coverage. The definitions are intended to assist in the understanding of these regulations and are not intended to limit the meanings of terms in a way that conflicts with generally accepted accounting practices:

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current plugging and abandonment cost estimate" means the most recent of the estimates prepared in accordance with 35 Ill. Adm. Code 704.212(a), (b), and (c).

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

7) In the liability insurance requirements, the terms "bodily injury" and "property damage" have the meanings given them by applicable State law. However, these terms do not include those liabilities that, consistent with standard industry practices, are excluded from coverage in liability insurance policies for bodily injury and property damage. The Agency intends the meanings of other terms used in the liability insurance requirements to be consistent with their common meanings within the insurance industry. The definitions given below of several of the terms are intended to assist in the understanding of these regulations and are not intended to limit their meanings in a way that conflicts with general insurance industry usage.

"Accidental occurrence" means an accident, including continuous or repeated exposure to conditions, that results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Sudden accidental occurrence" means an occurrence that is not continuous or repeated in nature.

8) "Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A "substantial business relationship" must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that the Agency can reasonably determine that a substantial business relationship currently exists between the guarantor and the facility owner or operator that is adequate consideration to support the obligation of the guarantee relating to any liability towards a third-party. "Applicable state law", as used in this subsection (b)(8), means the laws of the State of Illinois and those of any sister state that govern the guarantee and the adequacy of the consideration.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.141 (2017). Subsection (b)(8) is also derived from the discussion at 53 Fed. Reg. 33938, 41-43 (Sept. 1, 1988). The term "substantial business relationship" is also independently defined in 35 Ill. Adm. Code 724.241(h) and 725.241(h). Any Agency determination that a substantial business relationship exists is subject to Board review pursuant to Section 40 of the Act.

c) Cost Estimate for Closure

1) The facility owner or operator must have at the facility a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in Section 727.210(b) through (f) and applicable closure requirements in Sections 727.270(g), 727.290(l), and 727.900(i).

A) The estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan (see Section 727.210(c)(2)).

B) The closure cost estimate must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See the definition of parent corporation in subsection (b)(4).) The owner or operator may use costs for on-site

disposal if it can demonstrate that on-site disposal capacity will exist at all times over the life of the facility.

C) The closure cost estimate may not incorporate any salvage value that may be realized with the sale of hazardous wastes, or non-hazardous wastes, facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure.

D) The facility owner or operator may not incorporate a zero cost for hazardous wastes, or non-hazardous wastes that might have economic value.

2) During the active life of the facility, the facility owner or operator must adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with subsection (d). For an owner or operator using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the guarantor's fiscal year and before submission of updated information to the Agency as specified in subsection (n)(3). The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator for Gross Domestic Product (Deflator) published by the U.S. Department of Commerce in its Survey of Current Business, as specified in subsections (c)(2)(A) and (c)(2)(B). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

BOARD NOTE: The table of Deflators is available as Table 1.1.9. in the National Income and Product Account Tables, published by U.S. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, available on-line at the following web address: www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=13.

3) During the active life of the facility, the facility owner or operator must revise the closure cost estimate no later than 30 days after the Agency has approved the request to modify the closure plan, if the change in the

closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in subsection (c)(2).

4) The facility 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 subsections (c)(1) and (c)(3) and, when this estimate has been adjusted in accordance with subsection (c)(2), the latest adjusted closure cost estimate.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.142 (2017).

d) Financial Assurance for Closure. The facility owner or operator must establish financial assurance for closure of each storage or treatment unit that it owns or operates. In establishing financial assurance for closure, the owner or operator must choose from among the financial assurance mechanisms in subsections (d)(1) through (d)(7). The owner or operator can also use a combination of mechanisms for a single facility if the combination meets the requirement in subsection (d)(8), or it may use a single mechanism for multiple facilities as in subsection (d)(9). The Agency must release the owner or operator from the requirements of this subsection (d) after the owner or operator meets the criteria pursuant to subsection (d)(10).

1) Closure Trust Fund. An owner or operator may use the "closure trust fund" that is specified in 35 Ill. Adm. Code 724.243(a)(1), (a)(2), and (a)(6) through (a)(11). For purposes of this subsection (d)(1), the following provisions also apply:

A) Payments into the trust fund for a new facility must be made annually by the owner or operator over the remaining operating life of the facility as estimated in the closure plan, or over three years, whichever period is shorter. This period of time is hereafter referred to as the "pay-in period".

B) For a new facility, the facility owner or operator must make the first payment into the closure trust fund before the facility may accept the initial storage. A receipt from the trustee must be submitted by the owner or operator to the Agency before this initial storage of waste. The first payment must be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period, except as provided in subsection (d)(8) for multiple mechanisms. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The owner or operator determines the amount of each subsequent payment by subtracting the current value of the trust fund from the current closure cost estimate, and dividing this difference by the

number of years remaining in the pay-in period. Mathematically, the formula is as follows:

$$NP = \frac{(CCE - CVTF)}{YRPP}$$

Where:

NP = the amount of the next payment

CCE = the current closure cost estimate

CVTF = the current value of the trust fund

YRPP = the years remaining in the pay-in period

C) The owner or operator of a facility existing on the effective date of this subsection (d)(1) can establish a trust fund to meet the financial assurance requirements of this subsection (d)(1). If the value of the trust fund is less than the current closure cost estimate when a final approval of the permit is granted for the facility, the owner or operator must pay the difference into the trust fund within 60 days.

D) The facility owner or operator may accelerate payments into the trust fund or deposit the full amount of the closure cost estimate when establishing the trust fund. However, the owner or operator must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in subsections (d)(1)(B) or (d)(1)(C).

E) The facility owner or operator must submit a trust agreement with the wording specified by the Agency pursuant to subsection (l)(3).

2) Surety Bond Guaranteeing Payment into a Closure Trust Fund. An owner or operator may use the "surety bond guaranteeing payment into a closure trust fund", as specified in 35 Ill. Adm. Code 724.243(b), including the use of the surety bond instrument designated by the Agency pursuant to subsection (l)(3), and the standby trust specified at 35 Ill. Adm. Code 724.243(b)(3).

3) Surety Bond Guaranteeing Performance of Closure. An owner or operator may use the "surety bond guaranteeing performance of closure", as specified in 35 Ill. Adm. Code 724.243(c), the submission and use of the surety bond instrument designated by the Agency pursuant to subsection (l)(3), and the standby trust specified at 35 Ill. Adm. Code 724.243(c)(3).

4) Closure Letter of Credit. An owner or operator may use the "closure letter of credit" specified in 35 Ill. Adm. Code 724.243(d), the submission and use of the irrevocable letter of credit instrument designated by the Agency pursuant to subsection (l)(3), and the standby trust specified in 35 Ill. Adm. Code 724.243(d)(3).

5) Closure Insurance. An owner or operator may use "closure insurance", as specified in 35 Ill. Adm. Code 724.243(e), utilizing the certificate of insurance for closure designated by the Agency pursuant to subsection (l)(3).

6) Corporate Financial Test. An owner or operator that satisfies the requirements of this subsection (d)(6) may demonstrate financial assurance up to the amount specified in this subsection (d)(6).

A) Financial component. See subsection (m).

BOARD NOTE: It was necessary for the Board to codify corresponding 40 CFR 267.143(f)(1) as subsection (m) to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(A) also include added subsection (m), as applicable.

B) Recordkeeping and Reporting Requirements. See subsection (n).

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2) as subsection (n) to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(6), or (d)(6)(B) also include added subsection (n), as applicable.

7) Corporate Guarantee

A) A facility owner or operator may meet the requirements of this subsection (d) by obtaining a written guarantee. The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsection (d)(6) and must comply with the terms of the guarantee. The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (l)(3). The certified copy of the guarantee must accompany the letter from the guarantor's chief financial officer and accountants' opinions. If

the guarantor's parent corporation is also the parent corporation of the owner or operator, the letter from the guarantor's chief financial officer must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

B) For a new facility, the guarantee must be effective and the guarantor must submit the items in subsection (d)(7)(A) and the items specified in subsection (n)(1) to the Agency at least 60 days before the owner or operator places waste in the facility.

C) The terms of the guarantee must provide as required by subsection (o).

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(g)(3) as subsection (o) to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (d), (d)(7), or (d)(7)(C) also include added subsection (o), as applicable.

D) If a corporate guarantor no longer meets the requirements of subsection (d)(6)(A), the owner or operator must, within 90 days, obtain alternative assurance, and submit the assurance to the Agency for approval. If the owner or operator fails to provide alternate financial assurance within the 90-day period, the guarantor must provide that alternate assurance within the next 30 days, and submit it to the Agency for approval.

E) The guarantor is no longer required to meet the requirements of this subsection (d)(7) when either of the following occurs:

i) The facility owner or operator substitutes alternate financial assurance as specified in this subsection (d); or

ii) The facility owner or operator is released from the requirements of this subsection (d) in accordance with subsection (d)(10).

8) Use of Multiple Financial Mechanisms. An owner or operator may use more than one mechanism at a particular facility to satisfy the requirements of this subsection (d). The acceptable mechanisms are trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, insurance, the financial test, and the guarantee, except owners or operators cannot combine the financial test with the guarantee. The

mechanisms must be as specified in subsections (d)(1), (d)(2), (d)(4), (d)(5), (d)(6), and (d)(7), respectively, except it is the combination of mechanisms rather than a single mechanism that must provide assurance for an amount at least equal to the cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, it may use the trust fund as the standby trust for the other mechanisms. A single trust fund can be established for two or more mechanisms. The Agency may use any or all of the mechanisms to provide for closure of the facility.

9) Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial mechanism for multiple facilities, as specified in 35 Ill. Adm. Code 724.243(h).

10) Release of the Owner or Operator from the Requirements of this Subsection (d). Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency will notify the owner or operator in writing that the owner or operator is no longer required by this subsection (d) to maintain financial assurance for final closure of the facility, unless the Agency has reason to believe that final closure has not been completed in accordance with the approved closure plan. The Agency must provide the owner or operator with a detailed written statement of any such reasons to believe that closure has not been conducted in accordance with the approved closure plan.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.143 (2017).

e) This subsection (e) corresponds with 40 CFR 267.144, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

f) This subsection (f) corresponds with 40 CFR 267.145, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

g) This subsection (g) corresponds with 40 CFR 267.146, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

h) Liability Requirements

1) Coverage for Sudden Accidental Occurrences. The owner or operator of a hazardous waste treatment or storage 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 as specified in subsections (h)(1)(A) through (h)(1)(G):

A) Trust Fund for Liability Coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a trust fund for liability coverage as specified in 35 Ill. Adm. Code 724.247(j).

B) Surety Bond for liability coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a surety bond for liability coverage as specified in 35 Ill. Adm. Code 724.247(i).

C) Letter of Credit for Liability Coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a letter of credit for liability coverage as specified in 35 Ill. Adm. Code 724.247(h).

D) Insurance for Liability Coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining liability insurance as specified in 35 Ill. Adm. Code 724.247(a)(1).

E) Financial Test for Liability Coverage. The owner or operator may meet the requirements of this subsection (h) by passing a financial test as specified in subsection (h)(6).

F) Guarantee for Liability Coverage. The owner or operator may meet the requirements of this subsection (h) by obtaining a guarantee as specified in subsection (h)(7).

G) Combination of Mechanisms. The owner or operator may demonstrate the required liability coverage through the use of combinations of mechanisms as allowed by 35 Ill. Adm. Code 724.247(a)(6).

H) An owner or operator must notify the Agency in writing within 30 days whenever either of the following occurs:

    i) A claim results in a reduction in the amount of financial assurance for liability coverage provided by a financial

instrument authorized in subsections (h)(1)(A) through (h)(1)(G); or

ii) A Certification of Valid Claim for bodily injury or property damages caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is entered between the owner or operator and third-party claimant for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G); or

iii) A final court order establishing a judgment for bodily injury or property damage caused by a sudden accidental occurrence arising from the operation of a hazardous waste treatment, storage, or disposal facility is issued against the owner or operator or an instrument that is providing financial assurance for liability coverage pursuant to subsections (h)(1)(A) through (h)(1)(G).

2) This subsection (h)(2) corresponds with 40 CFR 267.147(b), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

3) This subsection (h)(3) corresponds with 40 CFR 267.147(c), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

4) This subsection (h)(4) corresponds with 40 CFR 267.147(d), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

5) Period of Coverage. Within 60 days after receiving certifications from the facility owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency must notify the owner or operator in writing that he is no longer required by this section to maintain liability coverage from that facility, unless the Agency has reason to believe that closure has not been in accordance with the approved closure plan.

6) Financial Test for Liability Coverage. A facility owner or operator that satisfies the requirements of this subsection (h)(6) may demonstrate financial assurance for liability up to the amount specified in this subsection (h)(6):

A) Financial Component

i) If using the financial test for only liability coverage, the owner or operator must have tangible net worth greater than the sum of the liability coverage to be demonstrated by this test plus $10 million.

ii) The owner or operator must have assets located in the United States amounting to at least the amount of liability covered by this financial test.

iii) An owner or operator who is demonstrating coverage for liability and any other environmental obligations, including closure pursuant to subsection (d)(6), through a financial test must meet the requirements of subsection (d)(6).

B) Recordkeeping and Reporting Requirements. See subsection (p).

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(f)(2) as subsection (p) to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(6), or (h)(6)(B) also include added subsection (p), as applicable.

7) Guarantee for Liability Coverage

A) Subject to subsection (h)(7)(B), a facility owner or operator may meet the requirements of this subsection (h) by obtaining a written guarantee, hereinafter referred to as "guarantee". The guarantor must be the direct or higher-tier parent corporation of the owner or operator, a firm whose parent corporation is also the parent corporation of the owner or operator, or a firm with a "substantial business relationship" with the owner or operator. The guarantor must meet the requirements for owners or operators in subsections (h)(6)(A) and (h)(6)(B). The wording of the guarantee must be identical to the wording designated by the Agency pursuant to subsection (l)(3). A certified copy of the guarantee must accompany the items sent to the Agency, as specified in subsection (h)(6)(B). One of these items must be the letter from the guarantor's chief financial officer. If the guarantor's parent corporation is also the parent corporation of the owner or operator, this letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a "substantial business relationship" with the owner or operator, this letter must describe this "substantial business relationship" and the value received in consideration of the guarantee.

i) If the facility owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden accidental occurrences arising from the operation of facilities covered by this corporate guarantee, or fails to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

ii) This subsection (h)(7)(A)(ii) corresponds with 40 CFR 267.147(g)(1)(ii), which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

B) Foreign Corporations. See subsection (q).

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.147(g)(2) as subsection (q) to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to this subsection (h), (h)(7), or (h)(7)(B) also include added subsection (q), as applicable. See the further explanation of the differences between subsection (q) and 40 CFR 267.147(g)(2) in the Board note appended to subsection (q).

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.147 (2017).

i) Incapacity of Owners or Operators, Guarantors, or Financial Institutions

1) The facility owner or operator must notify the Agency by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in subsections (d)(7) and (h)(7) must make such a notification if it is named as debtor, as required under the terms of the corporate guarantee designated by the Agency pursuant to subsection (l)(3).

2) An owner or operator who fulfills the requirements of subsection (d) or (h) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must

establish other financial assurance or liability coverage within 60 days after such an event.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.148 (2017).

j) This subsection (j) corresponds with 40 CFR 267.149, which USEPA has marked "Reserved". This statement maintains structural consistency with the corresponding federal rules.

k) State Assumption of Responsibility

1) If the State either assumes legal responsibility for an owner's or operator's compliance with the closure care or liability requirements of this Part or assures that funds will be available from State sources to cover those requirements, the owner or operator will be in compliance with the requirements of subsection (d) or (h) if USEPA Region 5 determines that the State's assumption of responsibility is at least equivalent to the financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 will evaluate the equivalency of State guarantees principally in terms of the following: the certainty of the availability of funds for the required closure care activities or liability coverage; and the amount of funds that will be made available. USEPA has stated that USEPA Region 5 may also consider other factors as it deems appropriate. The facility owner or operator must submit to USEPA Region 5 a letter from the State describing the nature of the State's assumption of responsibility together with a letter from the owner or operator requesting that the State's assumption of responsibility be considered acceptable for meeting the requirements of this Section. The letter from the State must include, or have attached to it, the following information: the facility's USEPA identification number, the facility name and address, and the amount of funds for closure care or liability coverage that are guaranteed by the State. USEPA has stated that USEPA Region 5 will notify the owner or operator of its determination regarding the acceptability of the State's guarantee in lieu of financial mechanisms specified in this Section. USEPA has stated that USEPA Region 5 may require the owner or operator to submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with the requirements of subsection (d) or (h), as applicable.

2) If a State's assumption of responsibility is found acceptable as specified in subsection (k)(1) except for the amount of funds available, the owner or operator may satisfy the requirements of this Section by use of both the State's assurance and additional financial mechanisms as specified in this Section. The amount of funds available through the State and federal mechanisms must at least equal the amount required by this Section.

BOARD NOTE: Subsection (k) is derived from 40 CFR 267.150 (2017).

l) Wording of the Instruments

1) Forms for using the corporate financial test to demonstrate financial assurance for closure. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who uses a financial test to demonstrate financial assurance for that facility must complete a letter as specified in subsection (d)(6). The letter must be worded as designated by the Agency pursuant to subsection (l)(3).

2) Forms for using the financial test to demonstrate financial assurance for third-party liability. The chief financial officer of an owner or operator of a facility with a RCRA standardized permit who use a financial test to demonstrate financial assurance only for third party liability for that (or other RCRA standardized permit) facility (or those facilities) must complete a letter as specified in subsection (h)(6). The letter must be worded as designated by the Agency pursuant to subsection (l)(3).

3) The Agency must designate standardized forms based on 40 CFR 264.151 and 40 CFR 267.151 (Wording of the Instruments), each incorporated by reference in 35 Ill. Adm. Code 720.111(b), with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Section must do so only upon the standardized forms promulgated by the Agency. The Agency must reject any financial assurance document that is not submitted on such standardized forms.

BOARD NOTE: Subsection (l) is derived from 40 CFR 267.151 (2017).

m) Financial Component for Using the Corporate Financial Test to Demonstrate Financial Assurance or Closure

1) The facility owner or operator must satisfy one of the following three conditions:

A) A current rating for its senior unsecured debt of AAA, AA, A, or BBB, as issued by Standard and Poor's, or Aaa, Aa, A or Baa, as issued by Moody's; or

B) A ratio of less than 1.5 comparing total liabilities to net worth; or

C) A ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus $10 million, to total liabilities.

2) The tangible net worth of the owner or operator must be greater than both of the following:

A) The sum of the current environmental obligations (see subsection (n)(1)(A)(i)), including guarantees, covered by a financial test plus $10 million, except as provided in subsection (m)(2)(B); and

B) $10 million in tangible net worth plus the amount of any guarantees that have not been recognized as liabilities on the financial statements provided all of the environmental obligations (see subsection (n)(1)(A)(i)) covered by a financial test are recognized as liabilities on the owner's or operator's audited financial statements, and subject to the approval of the Agency.

3) The facility owner or operator must have assets located in the United States amounting to at least the sum of environmental obligations covered by a financial test as described in subsection (n)(1)(A)(i).

BOARD NOTE: Subsection (m) is derived from 40 CFR 267.143(f)(1) (2017). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(A) also include this added subsection (m), as applicable.

n) Recordkeeping and Reporting Requirements for Using the Corporate Financial Test to Demonstrate Financial Assurance or Closure

1) The facility owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides the following information:

i) It lists all the applicable current types, amounts, and sums of environmental obligations covered by a financial test. These obligations include both obligations in the programs that USEPA directly operates and obligations where USEPA has delegated authority to a State or approved a State's program. These obligations include, but are not limited to the information described in subsection (n)(1)(E).

BOARD NOTE: It was necessary for the Board to codify 40 CFR 267.143(f)(2)(i)(A)(*1*) through (f)(2)(i)(A)(*1*)(*vii*) as subsections (n)(1)(E) through (n)(1)(E)(vii) to comport with Illinois Administrative Code indent level codification

requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) or to this subsection (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) also include added subsection (n)(1)(E) through (n)(1)(E)(vii), as applicable.

ii) It provides evidence demonstrating that the firm meets the conditions of either subsection (m)(1)(A), (m)(1)(B), or (m)(1)(C) and subsections (m)(2) and (m)(3).

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternate financial assurance that meets the requirements of this section within 30 days after the notification of disallowance.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsection (m)(1)(B) or (m)(1)(C) that are different from data in the audited financial statements referred to in subsection (n)(1)(B) or any other audited financial statement or data filed with the SEC, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and must describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

D) If the chief financial officer's letter provides a demonstration that the firm has assured for environmental obligations as provided in subsection (m)(2)(B), then the letter must include a report from the independent certified public accountant that verifies that all of the

environmental obligations covered by a financial test have been recognized as liabilities on the audited financial statements, how these obligations have been measured and reported, and that the tangible net worth of the firm is at least $10 million plus the amount of any guarantees provided.

E) Contents of the letter signed by the chief financial officer (for the purposes of subsection (n)(1)(A)(i)):

i) The liability, closure, post-closure and corrective action cost estimates required for hazardous waste treatment, storage, and disposal facilities pursuant to the applicable provisions of 35 Ill. Adm. Code 724.201, 724.242, 724.244, 724.247, 725.242, 725.244, and 725.247;

ii) The cost estimates required for municipal solid waste management facilities pursuant to the applicable provisions of Subpart G of 35 Ill. Adm. Code 811;

iii) The current plugging cost estimates required for UIC facilities pursuant to 35 Ill. Adm. Code 704.212;

iv) The federally required cost estimates required for petroleum underground storage tank facilities pursuant to 40 CFR 280.93;

v) The federally required cost estimates required for PCB storage facilities pursuant to 40 CFR 761.65;

vi) Any federally required financial assurance required by or as part of an action undertaken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.); and

vii) Any other environmental obligations that are assured through a financial test.

BOARD NOTE: Subsections (n)(1)(E) through (n)(1)(E)(vi) are derived from 40 CFR 267.143(f)(2)(i)(A)(*1*) through (f)(2)(i)(A)(*1*)(*vi*) (2017). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), (d)(6)(B), (n), (n)(1), (n)(1)(A), or (n)(1)(A)(i) also include added subsections (n)(1)(E) through (n)(1)(E)(vi), as applicable.

2) The owner or operator of a new facility must submit the items specified in subsection (n)(1) to the Agency at least 60 days before placing waste in the facility.

3) After the initial submission of items specified in subsection (n)(1), the owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (n)(1).

4) The owner or operator is no longer required to submit the items specified in this subsection (n) or comply with the requirements of subsection (d)(6) when either of the following occurs:

   A) The owner or operator substitutes alternate financial assurance as specified in subsection (d) that is not subject to these recordkeeping and reporting requirements; or

   B) The Agency releases the owner or operator from the requirements of subsection (d) in accordance with subsection (d)(10).

5) An owner or operator who no longer meets the requirements of subsection (m) cannot use the financial test to demonstrate financial assurance. Instead an owner or operator who no longer meets the requirements of subsection (m), must do the following:

   A) It must send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this subsection (n) and subsections (d), (m), and (o); and

   B) It must provide alternative financial assurance within 120 days after the end of such fiscal year.

6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (m), require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (n). If the Agency finds that the owner or operator no longer meets the requirements of subsection (m), the owner or operator

must provide alternate financial assurance that meets the requirements of subsection (d).

BOARD NOTE: Subsection (n) is derived from 40 CFR 267.143(f)(2) (2017). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(6), or (d)(6)(B) also include this added subsection (n), as applicable.

o) The terms of the guarantee for using the corporate guarantee to demonstrate financial assurance for closure must provide as follows:

1) If the facility owner or operator fails to perform closure at a facility covered by the guarantee, the guarantor will accomplish the following:

A) It will perform, or pay a third party to perform closure (performance guarantee); or

B) It will establish a fully funded trust fund as specified in subsection (d)(1) in the name of the owner or operator (payment guarantee).

2) The guarantee will remain in force for as long as the facility owner or operator must comply with the applicable financial assurance requirements of this Section unless the guarantor sends prior notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency as evidenced by the return receipts.

3) If notice of cancellation is given, the facility owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the Agency, obtain alternate financial assurance, and submit documentation for that alternate financial assurance to the Agency. If the owner or operator fails to provide alternate financial assurance and obtain the written approval of such alternative assurance from the Agency within the 90-day period, the guarantor must provide that alternate assurance in the name of the owner or operator and submit the necessary documentation for the alternative assurance to the Agency within 120 days after the cancellation notice.

BOARD NOTE: Subsection (o) is derived from 40 CFR 267.143(g)(3) (2017). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (d), (d)(7), or (d)(7)(C) also include this added subsection (o), as applicable.

p) Recordkeeping and Reporting Requirements

1) The owner or operator must submit the following items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer that provides evidence demonstrating that the firm meets the conditions of subsections (h)(6)(A)(i) and (h)(6)(A)(ii). If the firm is providing only liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, the letter should use the wording in subsection (l)(2). If the firm is providing only liability coverage through a financial test for facilities regulated pursuant to this Part 727, it should use the letter designated by the Agency pursuant to subsection (l)(3). If the firm is providing liability coverage through a financial test for a facility or facilities with a permit pursuant to this Part 727, and it assures closure costs or any other environmental obligations through a financial test, it must use the letter in subsection (l)(1) for the facilities issued a permit pursuant to this Part 727.

B) A copy of the independent certified public accountant's unqualified opinion of the owner's or operator's financial statements for the latest completed fiscal year. To be eligible to use the financial test, the owner's or operator's financial statements must receive an unqualified opinion from the independent certified public accountant. An adverse opinion, disclaimer of opinion, or other qualified opinion will be cause for disallowance, with the potential exception for qualified opinions provided in the next sentence. The Agency may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems that the matters that form the basis for the qualification are insufficient to warrant disallowance of the test. If the Agency does not allow use of the test, the owner or operator must provide alternate financial assurance that meets the requirements of this subsection (h) within 30 days after the notification of disallowance.

C) If the chief financial officer's letter providing evidence of financial assurance includes financial data showing that the owner or operator satisfies subsections (h)(6)(A)(i) and (h)(6)(A)(ii) that are different from data in the audited financial statements referred to in subsection (p)(1)(B) or any other audited financial statement or data filed with the SEC, then a special report from the owner's or operator's independent certified public accountant to the owner or operator is required. The special report must be based upon an agreed upon procedures engagement in accordance with professional auditing standards and must describe the procedures

performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and the reasons for any differences.

2) The owner or operator of a new facility must submit the items specified in subsection (p)(1) to the Agency at least 60 days before placing waste in the facility.

3) After the initial submission of items specified in subsection (p)(1), the facility owner or operator must send updated information to the Agency within 90 days following the close of the owner's or operator's fiscal year. The Agency may provide up to an additional 45 days for an owner or operator who can demonstrate that 90 days is insufficient time to acquire audited financial statements. The updated information must consist of all items specified in subsection (p)(1).

4) The owner or operator is no longer required to submit the items specified in this subsection (p) or comply with the requirements of subsection (h)(6) when either of the following occurs:

   A) The facility owner or operator substitutes alternate financial assurance as specified in subsection (h) that is not subject to these recordkeeping and reporting requirements; or

   B) The Agency releases the facility owner or operator from the requirements of subsection (h) in accordance with subsection (d)(10).

5) An owner or operator that no longer meets the requirements of subsection (h)(6)(A) cannot use the financial test to demonstrate financial assurance. An owner or operator who no longer meets the requirements of subsection (h)(6)(A), must do the following:

   A) Send notice to the Agency of intent to establish alternate financial assurance as specified in this section. The facility owner or operator must send this notice by certified mail within 90 days following the close of the owner's or operator's fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements of this Section.

   B) Provide alternative financial assurance within 120 days after the end of that fiscal year.

6) The Agency may, based on a reasonable belief that the owner or operator may no longer meet the requirements of subsection (h)(6)(A), require at any time the owner or operator to provide reports of its financial condition in addition to or including current financial test documentation as specified in this subsection (p). If the Agency finds that the owner or operator no longer meets the requirements of subsection (h)(6)(A), the owner or operator must provide alternate financial assurance that meets the requirements of subsection (h).

BOARD NOTE: Subsection (p) is derived from 40 CFR 267.147(f)(2) (2017). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(6), or (h)(6)(B) also include this added subsection (p), as applicable.

q) Foreign Corporations

1) The guarantor must execute the guarantee in Illinois. The guarantee must be accompanied by a letter signed by the guarantor that states as follows:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The name and address of the guarantor's registered agent for service of process.

2) The guarantor must have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 [805 ILCS 5/5.05] or Section 105.05 of the General Not-for-Profit Corporation Act of 1986 [805 ILCS 105/105.05].

BOARD NOTE: Subsection (q) is derived from 40 CFR 267.147(g)(2) (2017). The Board moved the corresponding federal provision to comport with Illinois Administrative Code indent level codification requirements. The Board intends that any citation to subsection (h), (h)(7), or (h)(7)(B) also includes this added subsection (q), as applicable. The text of 40 CFR 267.147(g)(2) is substantially identical to that of 40 CFR 264.147(g)(2). The Board has substituted the language of 35 Ill. Adm. Code 724.247(g)(2), which corresponds with 40 CFR 264.147(g)(2), for that of 40 CFR 267.147(g)(2).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.270 Use and Management of Containers

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in containers under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.170 (2017).

b) Standards Applicable to Containers. Standards apply to the condition of containers, to the compatibility of waste with containers, and to the management of containers holding hazardous waste.

1) Condition of Containers. If a container holding hazardous waste is not in good condition (for example, it exhibits severe rusting or apparent structural defects) or if it begins to leak, the facility owner or operator must undertake either of the following actions:

A) It must transfer the hazardous waste from the defective container to a container that is in good condition; or

B) It must manage the waste in some other way that complies with the requirements of this Part.

2) Compatibility of Waste with Containers. To ensure that the ability of the container to contain the waste is not impaired, the facility owner or operator must use a container made of or lined with materials that are compatible and will not react with the hazardous waste to be stored.

3) Management of Containers

A) The facility owner or operator must always keep a container holding hazardous waste closed during storage, except when it adds or removes waste.

B) The facility owner or operator must never open, handle, or store a container holding hazardous waste in a manner that may rupture the container or cause it to leak.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.171 (2017).

c) Inspection Requirements. At least weekly, the facility owner or operator must inspect areas where it stores containers, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.172 (2017).

d) Standards Applicable to the Container Storage Areas

1) The facility owner or operator must design and operate a containment system for its container storage areas according to the requirements in subsection (d)(2), except as otherwise provided by subsection (d)(3).

2) The design and operating requirements for a containment system are the following:

A) A base must underlie the containers that is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

B) The base must be sloped, or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

C) The containment system must have sufficient capacity to contain 10 percent of the volume of all containers placed in it, or the volume of the largest container, whichever is greater. This requirement does not apply to containers that do not contain free liquids;

D) The owner or operator must prevent run-on into the containment system, unless the collection system has sufficient excess capacity to contain the liquid, in addition to that required by subsection (d)(2)(C); and

E) The owner or operator must remove any spilled or leaked waste and accumulated precipitation from the sump or collection area as promptly as is necessary to prevent overflow of the collection system.

3) Except as provided in subsection (d)(4), the owner or operator does not need a containment system, as defined in subsection (d)(2), for storage areas that store containers holding only wastes with no free liquids if either of the following conditions are fulfilled:

A) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

B) The containers are elevated or are otherwise protected from contact with accumulated liquid.

4) The facility owner or operator must have a containment system defined by subsection (d)(2) for storage areas that store containers holding F020, F021, F022, F023, F026, and F027 wastes, even if the wastes do not contain free liquids.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.173 (2017).

e) Special Requirements for Ignitable or Reactive Waste The facility owner or operator must locate containers holding ignitable or reactive waste at least 15 meters (50 feet) from its facility property line. The owner or operator must also follow the general requirements for ignitable or reactive wastes that are specified in Section 727.110(h)(1).

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.174 (2017).

f) Special Requirements for Incompatible Wastes

1) The facility owner or operator must not place incompatible wastes or incompatible wastes and materials (see appendix V to 40 CFR 264, incorporated by reference in 35 Ill. Adm. Code 720.111(b), for examples) in the same container, unless it complies with Section 727.110(h)(2).

2) The facility owner or operator must not place hazardous waste in an unwashed container that previously held an incompatible waste or material.

3) The facility owner or operator must separate a storage container holding a hazardous waste that is incompatible with any waste or with other materials stored nearby in other containers, piles, open tanks, or surface impoundments from the other materials, or protect the containers by means of a dike, berm, wall, or other device.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.175 (2017).

g) Requirements for Stopping the Use of Containers. The facility owner or operator must remove all hazardous waste and hazardous waste residues from the containment system. The owner or operator must decontaminate or remove remaining containers, liners, bases, and soil containing, or contaminated with, hazardous waste or hazardous waste residues.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.176 (2017).

h) Air Emission Standards. The facility owner or operator must manage all hazardous waste placed in a container according to the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724. Under a RCRA standardized permit,

the following control devices are permissible: a thermal vapor incinerator, a catalytic vapor incinerator, a flame, a boiler, a process heater, a condenser, or a carbon absorption unit.

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.177 (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.290 Tank Systems

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in above-ground or on-ground tanks under a RCRA standardized permit pursuant to Subpart J of 35 Ill. Adm. Code 703, except as provided in Section 727.100(a)(2).

1) A facility owner or operator does not have to meet the secondary containment requirements in subsection (f) if its tank systems do not contain free liquids and are situated inside a building with an impermeable floor. The owner or operator must demonstrate the absence or presence of free liquids in the stored or treated waste, using Method 9095B (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW–846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2) The facility owner or operator does not have to meet the secondary containment requirements of subsection (f)(1) if its tank system, including sumps, as defined in 35 Ill. Adm. Code 720.110, is part of a secondary containment system to collect or contain releases of hazardous wastes.

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.190 (2017).

b) Required Design and Construction Standards for New Tank Systems or Components. The facility owner or operator must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment, reviewed and certified by an independent, qualified registered professional engineer, following 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

1) Design standards for the construction of tanks or the ancillary equipment.

2) Hazardous characteristics of the wastes to be handled.

3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of the following:

A) Factors affecting the potential for corrosion, such as the following:

i) Soil moisture content;

ii) Soil pH;

iii) Soil sulfides level;

iv) Soil resistivity;

v) Structure to soil potential;

vi) Existence of stray electric current; and

vii) Existing corrosion-protection measures (for example, coating, cathodic protection, etc.).

B) The type and degree of external corrosion protection needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

i) Corrosion-resistant materials of construction (such as special alloys, fiberglass reinforced plastic, etc.);

ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (for example, impressed current or sacrificial anodes); and

iii) Electrical isolation devices (such as insulating joints, flanges, etc.).

4) Design considerations to ensure that the following will occur:

A) Tank foundations will maintain the load of a full tank;

B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 727.110(i)(1); and

C) Tank systems will withstand the effects of frost heave.

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.191 (2017).

c) Handling and Inspection Procedures During Installation of New Tank Systems

1) The facility owner or operator must ensure that it follows proper handling procedures to prevent damage to a new tank system during installation. Before placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

A) Weld breaks;

B) Punctures;

C) Scrapes of protective coatings;

D) Cracks;

E) Corrosion; or

F) Other structural damage or inadequate construction or installation.

2) The facility owner or operator must remedy all discrepancies before the tank system is placed in use.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.192 (2017).

d) Testing Requirements. The facility owner or operator must test all new tanks and ancillary equipment for tightness before you place them in use. If the owner or operator finds a tank system that is not tight, it must perform all repairs necessary to remedy the leaks in the system before it covers, encloses, or places the tank system into use.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.193 (2017).

e) Installation Requirements

1) The facility owner or operator must support and protect ancillary equipment against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

2) The facility owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided pursuant to subsection (b)(3), to ensure the integrity of the tank system during use of the tank system. An independent corrosion expert must supervise the installation of a corrosion protection system that is field fabricated to ensure proper installation.

3) The facility owner or operator must obtain, and keep at the facility, written statements by those persons required to certify the design of the tank system and to supervise the installation of the tank system as required in subsections (c), (d), (e)(1), and (e)(2). The written statement must attest that the tank system was properly designed and installed and that the owner or operator made repairs pursuant to subsections (c) and (d). These written statements must also include the certification statement as required in 35 Ill. Adm. Code 702.126(d).

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.194 (2017).

f) Secondary Containment Requirements. To prevent the release of hazardous waste or hazardous constituents to the environment, the owner or operator must provide secondary containment that meets the requirements of this subsection (f) for all new and existing tank systems.

1) Secondary containment systems must meet both of the following requirements:

A) It must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to any soil, groundwater, or surface water at any time during the use of the tank system; and

B) It must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

2) To meet the requirements of subsection (f)(1), secondary containment systems must meet all of the following minimum requirements:

A) It must be constructed of or lined with materials that are compatible with the wastes to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, and the stress of daily operation (including stresses from nearby vehicular traffic);

B) It must be placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

C) It must be provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours; and

D) It must be sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. The facility owner or operator must remove spilled or leaked waste and accumulated precipitation from the secondary containment system within 24 hours, or as promptly as possible, to prevent harm to human health and the environment.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.195 (2017).

g) Required Devices for Secondary Containment and Their Design, Operating, and Installation Requirements

1) Secondary containment for tanks must include one or more of the following features:

A) A liner (external to the tank);

B) A double-walled tank; and

C) An equivalent device; the owner or operator must maintain documentation of equivalency at the facility.

2) An external liner system must fulfill the following requirements:

A) It must be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary;

B) It must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. The additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) It must be free of cracks or gaps; and

D) It must be designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tanks (that is, it must be capable of preventing lateral as well as vertical migration of the waste).

3) A double-walled tank must fulfill the following requirements:

A) It must be designed as an integral structure (that is, it must be an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) It must be protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

C) It must be provided with a built-in continuous leak detection system capable of detecting a release within 24 hours.

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.196 (2017).

h) Requirements for Ancillary Equipment. The facility owner or operator must provide ancillary equipment with secondary containment (for example, trench, jacketing, double-walled piping, etc.) that meets the requirements of subsections (f)(1) and (f)(2), except for the following:

1) Above ground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

4) Pressurized above ground piping systems with automatic shut-off devices (for example, excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices, etc.) that are visually inspected for leaks on a daily basis.

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.197 (2017).

i) General Operating Requirements for Tank Systems

1) The facility owner or operator must not place hazardous wastes or treatment reagents in a tank system if the substances could cause the tank,

its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

2) The facility owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include the following minimum requirements:

A) Spill prevention controls (for example, check valves, dry disconnect couplings, etc.);

B) Overfill prevention controls (for example, level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank, etc.); and

C) Sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

3) The facility owner or operator must comply with the requirements of subsection (k) if a leak or spill occurs in the tank system.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.198 (2017).

j) Inspection Requirements. The facility owner or operator must comply with the following requirements for scheduling, conducting, and documenting inspections:

1) It must develop and follow a schedule and procedure for inspecting overfill controls;

2) It must inspect the following at least once each operating day:

A) Aboveground portions of the tank system to detect corrosion or releases of waste;

B) Data gathered from monitoring and leak detection equipment (for example, pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design; and

C) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (for example, dikes) to detect erosion or signs of releases of hazardous waste (for example, wet spots, dead vegetation, etc.);

3) It must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

A) It must confirm that the cathodic protection system is operating properly within six months after initial installation and annually thereafter; and

B) It must inspect or test all sources of impressed current, as appropriate, at least every other month; and

4) It must document, in the operating record of the facility, an inspection of those items in subsections (j)(1) through (j)(3).

BOARD NOTE: Subsection (j) is derived from 40 CFR 267.199 (2017).

k) Required Actions in Case of a Leak or a Spill. If there has been a leak or a spill from a tank system or secondary containment system, or if either system is unfit for use, the facility owner or operator must remove the system from service immediately, and it must satisfy the following requirements:

1) It must immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release;

2) It must remove the waste from the tank system or secondary containment system, as follows:

A) If the release was from the tank system, the owner or operator must, within 24 hours after detecting the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed; or

B) If the material released was to a secondary containment system, the owner or operator must remove all released materials within 24 hours or as quickly as possible to prevent harm to human health and the environment;

3) It must immediately conduct a visual inspection of the release and, based on that inspection, undertake the following actions:

A) It must prevent further migration of the leak or spill to soils or surface water; and

B) It must remove, and properly dispose of, any visible contamination of the soil or surface water;

4) It must report any release to the environment, except as provided in subsection (k)(4)(A), to the Agency within 24 hours after its detection. If the owner or operator has reported the release to USEPA pursuant to federal 40 CFR 302, that report will satisfy this requirement, subject to the following exceptions:

A) The facility owner or operator does not need to report on a leak or spill of hazardous waste if it fulfills the following conditions:

i) The spill was less than or equal to a quantity of one pound (0.45 kg); and

ii) The facility owner or operator immediately contained and cleaned up the spill; and

B) Within 30 days of detection of a release to the environment, the owner or operator must submit a report to the Agency that contains the following information:

i) The likely route of migration of the release;

ii) The characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate, etc.);

iii) The results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within 30 days, the owner or operator must submit these data to the Agency as soon as they become available;

iv) The proximity to downgradient drinking water, surface water, and populated areas; and

v) A description of response actions taken or planned;

5) It must either close the system or make necessary repairs, as follows:

A) Unless the owner or operator satisfies the requirements of subsections (k)(5)(B) and (k)(5)(C), it must close the tank system according to subsection (l);

B) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the

system to service as soon as it removes the released waste and makes any necessary repairs; or

C) If the cause of the release was a leak from the primary tank system into the secondary containment system, the owner or operator must repair the system before returning the tank system to service; and

6) If the owner or operator has made extensive repairs to a tank system in accordance with subsection (k)(5) (for example, installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel, etc.), it may not return the tank system to service unless the repair is certified by an independent, qualified, registered, professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), as follows:

A) The engineer must certify that the repaired system is capable of handling hazardous wastes without release for the intended life of the system; and

B) The facility owner or operator must submit this certification to the Agency within seven days after returning the tank system to use.

BOARD NOTE: Subsection (k) is derived from 40 CFR 267.200 (2017).

l) Requirements When the Owner or Operator Stops Operating the Tank System. When the facility owner or operator close a tank system, it must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in Sections 727.210 and 727.240.

BOARD NOTE: Subsection (l) is derived from 40 CFR 267.201 (2017).

m) Special Requirements for Ignitable or Reactive Wastes

1) The facility owner or operator may not place ignitable or reactive waste in tank systems, unless any of the following three conditions are fulfilled:

A) The owner or operator treats, renders, or mixes the waste before or immediately after placement in the tank system so that the following is true:

i) The owner or operator complies with Section 727.110(h)(2); and

ii) The resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste pursuant to 35 Ill. Adm. Code 721.121 or 721.123;

B) The owner or operator stores or treats the waste in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

C) The facility owner or operator uses the tank system solely for emergencies.

2) If the facility owner or operator stores or treats ignitable or reactive waste in a tank, it must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built on, as required in Tables 2–1 through 2–6 of "Flammable and Combustible Liquids Code", NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111(a)).

BOARD NOTE: Subsection (m) is derived from 40 CFR 267.202 (2017).

n) Special Requirements for Incompatible Wastes

1) A facility owner or operator may not place incompatible wastes or incompatible wastes and materials in the same tank system, unless it complies with Section 727.110(h)(2).

2) A facility owner or operator may not place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless it complies with Section 727.110(h)(2).

BOARD NOTE: Subsection (n) is derived from 40 CFR 267.203 (2017).

o) Air Emission Standards. The facility owner or operator must manage all hazardous waste placed in a tank following the requirements of Subparts AA, BB, and CC of 35 Ill. Adm. Code 724. Under a RCRA standardized permit, the following control devices are permissible: a thermal vapor incinerator, a catalytic vapor incinerator, a flame, a boiler, a process heater, a condenser, or a carbon absorption unit.

BOARD NOTE: Subsection (o) is derived from 40 CFR 267.204 (2017).

(Source: Amended at 42 Ill. Reg. 24055, effective November 19, 2018)

Section 727.900 Containment Buildings

a) Applicability of This Section. This Section applies to the owner or operator of a facility that treats or stores hazardous waste in containment buildings under a RCRA standardized permit pursuant to 35 Ill. Adm. Code 703.Subpart J, except as provided in Section 727.100(a)(2). Storage or treatment in a containment building is not land disposal, as defined in 35 Ill. Adm. Code 728.102, if the unit meets the requirements of subsections (b), (c), and (d).

BOARD NOTE: Subsection (a) is derived from 40 CFR 267.1100.

b) Design and Operating Standards for Containment Buildings. A containment building must comply with the design and operating standards in this subsection (b). The Agency may consider standards established by professional organizations generally recognized by the industry, such as the American Concrete Institute (ACI) or the American Society of Testing Materials (ASTM), in judging the structural integrity requirements of this subsection (b).

1) The containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, run-on, etc.), and to assure containment of managed wastes.

2) The floor and containment walls of the unit, including the secondary containment system, if required pursuant to subsection (d), must be designed and constructed of manmade materials of sufficient strength and thickness to accomplish the following:

A) They must support themselves, the waste contents, and any personnel and heavy equipment that operates within the unit;

B) They must prevent failure due to any of the following causes:

i) Pressure gradients, settlement, compression, or uplift;

ii) Physical contact with the hazardous wastes to which they are exposed;

iii) Climatic conditions;

iv) Stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls; or

v) Collapse or other failure.

3) All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes.

4) The facility owner or operator must not place incompatible hazardous wastes or treatment reagents in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail.

5) A containment building must have a primary barrier designed to withstand the movement of personnel, waste, and handling equipment in the unit during the operating life of the unit and appropriate for the physical and chemical characteristics of the waste to be managed.

6) If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:

A) The doors and windows provide an effective barrier against fugitive dust emissions pursuant to subsection (c)(4); and

B) The unit is designed and operated in a fashion that assures that wastes will not actually come in contact with these openings.

7) The facility owner or operator must inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment, as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

8) The facility owner or operator must obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of subsections (b)(1) through (b)(6), (c), and (d).

BOARD NOTE: Subsection (b) is derived from 40 CFR 267.1101.

c) Other Requirements for Preventing Releases. The facility owner or operator must use controls and practices to ensure containment of the hazardous waste within the unit and must meet the following minimum requirements:

1) It must maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

2) It must maintain the level of the stored or treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

3) It must take measures to prevent personnel or by equipment used in handling the waste from tracking hazardous waste out of the unit. The owner or operator must designate an area to decontaminate equipment, and it must collect and properly manage any rinsate; and

4) It must take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see Method 22 of appendix A to 40 CFR 60 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), incorporated by reference in 35 Ill. Adm. Code 720.111(b)). In addition, the owner or operator must operate and maintain all associated particulate collection devices (for example, fabric filter, electrostatic precipitator, etc.) with sound air pollution control practices. The owner or operator must effectively maintain this state of no visible emissions at all times during routine operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit.

BOARD NOTE: Subsection (c) is derived from 40 CFR 267.1102.

d) Additional Design and Operating Standards When Liquids Are in the Containment Building. If a containment building will be used to manage hazardous wastes containing free liquids or treated with free liquids, as determined by the paint filter test, by a visual examination, or by other appropriate means, the facility owner or operator must include the following:

1) A primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (for example, a geomembrane covered by a concrete wear surface);

2) A liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building, as follows:

A) The primary barrier must be sloped to drain liquids to the associated collection system; and

B) The facility owner or operator must collect and remove liquids and waste to minimize hydraulic head on the containment system at the earliest practicable time;

3) A secondary containment system, including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier, and a leak detection system capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practical time, as follows:

A) The facility owner or operator may meet the requirements of the leak detection component of the secondary containment system by installing a system that meets the following minimum construction requirements:

i) It is constructed with a bottom slope of one percent or more; and

ii) It is constructed of a granular drainage material with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2sec or more;

B) If the facility owner or operator will be conducting treatment in the building, it must design the area in which the treatment will be conducted to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building; and

C) The facility owner or operator must construct the secondary containment system using materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building.

BOARD NOTE: Subsection (d) is derived from 40 CFR 267.1103.

e) Alternatives to Secondary Containment Requirements. Notwithstanding any other provision of this Section, the Agency must, in writing, allow the use of alternatives to the requirements for secondary containment for a permitted containment building where the Agency has determined that the facility owner or operator has adequately demonstrated both of the following:

1) The only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements; and

2) The containment of managed wastes and dust suppression liquids can be assured without a secondary containment system.

BOARD NOTE: Subsection (e) is derived from 40 CFR 267.1104.

f) Requirements Where the Containment Building Contains Areas Both With and Without Secondary Containment. For a containment building that contains both areas that have secondary containment and areas that do not have secondary

containment, the facility owner or operator must fulfill the following requirements:

1) It must design and operate each area in accordance with the requirements enumerated in subsections (b) through (d);

2) It must take measures to prevent the release of liquids or wet materials into areas without secondary containment; and

3) It must maintain in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

BOARD NOTE: Subsection (f) is derived from 40 CFR 267.1105.

g) Requirements in the Event of a Release. Throughout the active life of the containment building, if the facility owner or operator detects a condition that could lead to or has caused a release of hazardous waste, it must repair the condition promptly, in accordance with the following procedures.

1) Upon detection of a condition that has led to a release of hazardous waste (for example, upon detection of leakage from the primary barrier), the owner or operator must undertake each of the following actions:

A) It must enter a record of the discovery in the facility operating record;

B) It must immediately remove the portion of the containment building affected by the condition from service;

C) It must determine what steps it will need to take to repair the containment building, to remove any leakage from the secondary collection system, and to establish a schedule for accomplishing the cleanup and repairs; and

D) Within seven days after the discovery of the condition, it must notify the Agency of the condition, and within 14 working days, provide a written notice to the Agency with a description of the steps taken to repair the containment building, and the schedule for accomplishing the work.

2) The Agency must review the information submitted, determine whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing.

3) Upon completing all repairs and cleanup, the facility owner or operator must notify the Agency in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with subsection (g)(1)(D).

BOARD NOTE: Subsection (g) is derived from 40 CFR 267.1106.

h) A Containment Building That Can Be Considered Secondary Containment. A containment building can serve as an acceptable secondary containment system for tanks placed within the building if both of the following conditions are fulfilled:

1) The containment building can serve as an external liner system for a tank if it meets the requirements of Section 727.290(g)(2); and

2) The containment building also meets the requirements of Section 727.290(f)(1), (f)(2)(A), and (f)(2)(B).

BOARD NOTE: Subsection (h) is derived from 40 CFR 267.1107.

i) Requirements When the Owner or Operator Stops Operating the Containment Building. When the facility owner or operator close a containment building, it must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in Sections 727.210 and 727.240.

BOARD NOTE: Subsection (i) is derived from 40 CFR 267.1108.

(Source: Amended at 43 Ill. Reg. 6076, effective May 2, 2019)

Section 727.APPENDIX A Financial Assurance Forms (Repealed)

Section 727.ILLUSTRATION A Letter of Chief Financial Officer: Financial Assurance for Facility Closure (Repealed)

(Source: Repealed at 40 Ill. Reg. 12011, effective August 9, 2016)

Section 727.APPENDIX A Financial Assurance Forms (Repealed)

Section 727.ILLUSTRATION B Letter of Chief Financial Officer: Financial Assurance for Liability Coverage (Repealed)

(Source: Repealed at 40 Ill. Reg. 12011, effective August 9, 2016)

Section 727.APPENDIX B Correlation of State and Federal Provisions

Section 727.TABLE A Correlation of Federal RCRA Standardized Permit Provisions to State Provisions

The following table sets forth the correlation of the federal RCRA Standardized Permit provisions with the State regulations. Where the structure of a State provision exactly parallels the corresponding federal provision from which it was derived, no expanded listing of the subsections appears. Where it was necessary to move or restructure the material from the federal regulations, a detailed listing of the location of each subsection appears.

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart G of Part 124	Subpart G of Part 705
124.200	705.300(a)
124.201	705.300(b)
124.202	705.301(a)
124.203	705.301(b)
124.204	705.302(a)
124.205	705.302(b)
124.206	705.302(c)
124.207	705.303(a)
124.208	705.303(b)
124.209	705.303(c)
124.210	705.303(d)
124.211	705.304(a)
124.212	705.304(b)
124.213	705.304(c)
124.214	705.304(d)

40 CFR Provision	35 Ill. Adm. Code Provision
Subpart A of Part 267	727.100
267.1	727.100(a)
267.2	727.100(b)
267.3	727.100(c)
Subpart B of Part 267	727.110
267.10	727.110(a)
267.11	727.110(b)
267.12	727.110(c)
267.13	727.110(d)
267.14	727.110(e)
267.15	727.110(f)
267.16	727.110(g)
267.17	727.110(h)

267.18	727.110(i)
Subpart C of Part 267	727.130
267.30	727.130(a)
267.31	727.130(b)
267.32	727.130(c)
267.33	727.130(d)
267.34	727.130(e)
267.35	727.130(f)
Subpart D of Part 267	727.150
267.50	727.150(a)
267.51	727.150(b)
267.52	727.150(c)
267.53	727.150(d)
267.54	727.150(e)
267.55	727.150(f)
267.56	727.150(g)
267.57	727.150(h)
267.58	727.150(i)
Subpart E of Part 267	727.170
267.70	727.170(a)
267.71	727.170(b)
267.72	727.170(c)
267.73	727.170(d)
267.74	727.170(e)
267.75	727.170(f)
267.76	727.170(g)
Subpart F of Part 267	727.190
267.90	727.190(a)
267.91 (Reserved)	727.190(b)
267.92 (Reserved)	727.190(c)
267.93 (Reserved)	727.190(d)
267.94 (Reserved)	727.190(e)
267.95 (Reserved)	727.190(f)
267.96 (Reserved)	727.190(g)
267.97 (Reserved)	727.190(h)
267.98 (Reserved)	727.190(i)
267.99 (Reserved)	727.190(j)
267.100 (Reserved)	727.190(k)
267.101	727.190(l)
Subpart G of Part 267	727.210
267.110	727.210(a)
267.111	727.210(b)
267.112	727.210(c)
267.113	727.210(d)
267.114 (Reserved)	727.210(e)

267.115	727.210(f)
267.116	727.210(g)
267.117	727.210(h)
Subpart H of Part 267	727.240
267.140	727.240(a)
267.141	727.240(b)
267.142	727.240(c)
267.143	727.240(d)
267.143(f)(1)	727.240(d)(6)(A)
267.143(f)(1)	727.240(m)
267.143(f)(1)(i)	727.240(m)(1)
267.143(f)(1)(i)(A)	727.240(m)(1)(A)
267.143(f)(1)(i)(B)	727.240(m)(1)(B)
267.143(f)(1)(i)(C)	727.240(m)(1)(C)
267.143(f)(1)(ii)	727.240(m)(2)
267.143(f)(1)(ii)(A)	727.240(m)(2)(A)
267.143(f)(1)(ii)(B)	727.240(m)(2)(B)
267.143(f)(1)(iii)	727.240(m)(3)
267.143(f)(2)	727.240(d)(6)(B)
267.143(f)(2)	727.240(n)
267.143(f)(2)(i)	727.240(n)(1)
267.143(f)(2)(i)(A)	727.240(n)(1)(A)
267.143(f)(2)(i)(A)(*1*)	727.240(n)(1)(A)(i)
267.143(f)(2)(i)(A)(*1*)	727.240(n)(1)(E)
267.143(f)(2)(i)(A)(*1*)(*i*)	727.240(n)(1)(E)(i)
267.143(f)(2)(i)(A)(*1*)(*ii*)	727.240(n)(1)(E)(ii)
267.143(f)(2)(i)(A)(*1*)(*iii*)	727.240(n)(1)(E)(iii)
267.143(f)(2)(i)(A)(*1*)(*iv*)	727.240(n)(1)(E)(iv)
267.143(f)(2)(i)(A)(*1*)(*v*)	727.240(n)(1)(E)(v)
267.143(f)(2)(i)(A)(*1*)(*vi*)	727.240(n)(1)(E)(vi)
267.143(f)(2)(i)(A)(*1*)(*vii*)	727.240(n)(1)(E)(vii)
267.143(f)(2)(i)(A)(*2*)	727.240(n)(1)(A)(ii)
267.143(f)(2)(i)(B)	727.240(n)(1)(B)
267.143(f)(2)(i)(C)	727.240(n)(1)(C)
267.143(f)(2)(i)(D)	727.240(n)(1)(D)
267.143(f)(2)(ii)	727.240(n)(2)
267.143(f)(2)(iii)	727.240(n)(3)
267.143(f)(2)(iv)	727.240(n)(4)
267.143(f)(2)(iv)(A)	727.240(n)(4)(A)
267.143(f)(2)(iv)(B)	727.240(n)(4)(B)
267.143(f)(2)(v)	727.240(n)(5)
267.143(f)(2)(v)(A)	727.240(n)(5)(A)
267.143(f)(2)(v)(B)	727.240(n)(5)(B)
267.143(f)(2)(vi)	727.240(n)(6)
267.143(f)(3)	727.240(d)(6)(C)

267.143(f)(3)	727.240(o)
267.143(f)(3)(i)	727.240(o)(1)
267.143(f)(3)(i)(A)	727.240(o)(1)(A)
267.143(f)(3)(i)(B)	727.240(o)(1)(B)
267.143(f)(3)(ii)	727.240(o)(2)
267.143(f)(3)(iii)	727.240(o)(3)
267.144 (Reserved)	727.240(e)
267.145 (Reserved)	727.240(f)
267.146 (Reserved)	727.240(g)
267.147	727.240(h)
267.147(f)(2)	727.240(h)(6)(B)
267.147(f)(2)	727.240(p)
267.147(f)(2)(i)	727.240(p)(1)
267.147(f)(2)(i)(A)	727.240(p)(1)(A)
267.147(f)(2)(i)(B)	727.240(p)(1)(B)
267.147(f)(2)(i)(C)	727.240(p)(1)(C)
267.147(f)(2)(ii)	727.240(p)(2)
267.147(f)(2)(iii)	727.240(p)(3)
267.147(f)(2)(iv)	727.240(p)(4)
267.147(f)(2)(iv)(A)	727.240(p)(4)(A)
267.147(f)(2)(iv)(B)	727.240(p)(4)(B)
267.147(f)(2)(v)	727.240(p)(5)
267.147(f)(2)(v)(A)	727.240(p)(5)(A)
267.147(f)(2)(v)(B)	727.240(p)(5)(B)
267.147(f)(2)(vi)	727.240(p)(6)
267.147(g)(2)	727.240(h)(7)(B)
267.147(g)(2)	727.240(q)
267.147(g)(2)(i)	727.240(q)(1)
267.147(g)(2)(ii)	727.240(q)(2)
267.147(g)(2)(ii)(A)	727.240(q)(2)(A)
267.147(g)(2)(ii)(B)	727.240(q)(2)(B)
267.148	727.240(i)
267.149 (Reserved)	727.240(j)
267.150	727.240(k)
267.151	727.240(l)
Subpart I of Part 267	727.270
267.170	727.270(a)
267.171	727.270(b)
267.172	727.270(c)
267.173	727.270(d)
267.174	727.270(e)
267.175	727.270(f)
267.176	727.270(g)
267.177	727.270(h)
Subpart J of Part 267	727.290

267.190	727.290(a)
267.191	727.290(b)
267.192	727.290(c)
267.193	727.290(d)
267.194	727.290(e)
267.195	727.290(f)
267.196	727.290(g)
267.197	727.290(h)
267.198	727.290(i)
267.199	727.290(j)
267.200	727.290(k)
267.201	727.290(l)
267.202	727.290(m)
267.203	727.290(n)
267.204	727.290(o)
Subpart K of Part 267 (Reserved)	None
Subpart L of Part 267 (Reserved)	None
Subpart M of Part 267 (Reserved)	None
Subpart N of Part 267 (Reserved)	None
Subpart O of Part 267 (Reserved)	None
Subpart P of Part 267 (Reserved)	None
Subpart Q of Part 267 (Reserved)	None
Subpart R of Part 267 (Reserved)	None
Subpart S of Part 267 (Reserved)	None
Subpart T of Part 267 (Reserved)	None
Subpart U of Part 267 (Reserved)	None
Subpart V of Part 267 (Reserved)	None
Subpart W of Part 267 (Reserved)	None
Subpart X of Part 267 (Reserved)	None
Subpart Y of Part 267 (Reserved)	None
Subpart Z of Part 267 (Reserved)	None
Subpart AA of Part 267 (Reserved)	None
Subpart BB of Part 267 (Reserved)	None
Subpart CC of Part 267 (Reserved)	None
Subpart DD of Part 267	727.900
267.1100	727.900(a)
267.1101	727.900(b)
267.1102	727.900(c)
267.1103	727.900(d)
267.1104	727.900(e)
267.1105	727.900(f)
267.1106	727.900(g)
267.1107	727.900(h)
267.1108	727.900(i)

40 CFR Provision	35 Ill. Adm. Code Provision
270.67	703.238
Subpart J of Part 270	Subpart J of Part 703
270.250	703.350(a)
270.255	703.350(b)
270.260	703.350(c)
270.270	703.351(a)
270.275	703.351(b)
270.280	703.351(c)
270.290	703.352(a)
270.300	703.352(b)
270.305	703.352(c)
270.310	703.352(d)
270.315	703.352(e)
270.320	703.353

BOARD NOTE: The Board added Appendix B, Table A for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. 12011, effective August 9, 2016)

Section 727.APPENDIX B Correlation of State and Federal Provisions

Section 727.TABLE B Correlation of State RCRA Standardized Permit Provisions to Federal Provisions

The following table sets forth the correlation of the State RCRA Standardized Permit provisions with the federal regulations. Where the structure of a State provision exactly parallels the corresponding federal provision from which it was derived, no expanded listing of the subsections appears. Where it was necessary to move or restructure the material from the federal regulations, a detailed listing of the location of each subsection appears.

35 Ill. Adm. Code Provision	40 CFR Provision
703.238	270.67
Subpart J of Part 703	Subpart J of Part 270
703.350(a)	270.250
703.350(b)	270.255
703.350(c)	270.260
703.351(a)	270.270
703.351(b)	270.275
703.351(c)	270.280
703.352(a)	270.290
703.352(b)	270.300
703.352(c)	270.305
703.352(d)	270.310

703.352(e)	270.315
703.353	270.320

35 Ill. Adm. Code Provision	40 CFR Provision
Subpart G of Part 705	Subpart G of Part 124
705.300(a)	124.200
705.300(b)	124.201
705.301(a)	124.202
705.301(b)	124.203
705.302(a)	124.204
705.302(b)	124.205
705.302(c)	124.206
705.303(a)	124.207
705.303(b)	124.208
705.303(c)	124.209
705.303(d)	124.210
705.304(a)	124.211
705.304(b)	124.212
705.304(c)	124.213
705.304(d)	124.214

35 Ill. Adm. Code Provision	40 CFR Provision
727.100	Subpart A of Part 267
727.100(a)	267.1
727.100(b)	267.2
727.100(c)	267.3
727.110	Subpart B of Part 267
727.110(a)	267.10
727.110(b)	267.11
727.110(c)	267.12
727.110(d)	267.13
727.110(e)	267.14
727.110(f)	267.15
727.110(g)	267.16
727.110(h)	267.17
727.110(i)	267.18
727.130	Subpart C of Part 267
727.130(a)	267.30
727.130(b)	267.31
727.130(c)	267.32
727.130(d)	267.33
727.130(e)	267.34
727.130(f)	267.35
727.150	Subpart D of Part 267
727.150(a)	267.50

727.150(b)	267.51
727.150(c)	267.52
727.150(d)	267.53
727.150(e)	267.54
727.150(f)	267.55
727.150(g)	267.56
727.150(h)	267.57
727.150(i)	267.58
727.170	Subpart E of Part 267
727.170(a)	267.70
727.170(b)	267.71
727.170(c)	267.72
727.170(d)	267.73
727.170(e)	267.74
727.170(f)	267.75
727.170(g)	267.76
727.190	Subpart F of Part 267
727.190(a)	267.90
727.190(b)	267.91 (Reserved)
727.190(c)	267.92 (Reserved)
727.190(d)	267.93 (Reserved)
727.190(e)	267.94 (Reserved)
727.190(f)	267.95 (Reserved)
727.190(g)	267.96 (Reserved)
727.190(h)	267.97 (Reserved)
727.190(i)	267.98 (Reserved)
727.190(j)	267.99 (Reserved)
727.190(k)	267.100 (Reserved)
727.190(l)	267.101
727.210	Subpart G of Part 267
727.210(a)	267.110
727.210(b)	267.111
727.210(c)	267.112
727.210(d)	267.113
727.210(e)	267.114 (Reserved)
727.210(f)	267.115
727.210(g)	267.116
727.210(h)	267.117
727.240	Subpart H of Part 267
727.240(a)	267.140
727.240(b)	267.141
727.240(c)	267.142
727.240(d)	267.143
727.240(e)	267.144 (Reserved)
727.240(f)	267.145 (Reserved)

727.240(g)	267.146 (Reserved)
727.240(h)	267.147
727.240(i)	267.148
727.240(j)	267.149 (Reserved)
727.240(k)	267.150
727.240(l)	267.151
727.240(l)(1)	267.151(a)
727.240(l)(2)	267.151(b)
727.240(m)	267.143(f)(1)
727.240(m)(1)	267.143(f)(1)(i)
727.240(m)(1)(A)	267.143(f)(1)(i)(A)
727.240(m)(1)(B)	267.143(f)(1)(i)(B)
727.240(m)(1)(C)	267.143(f)(1)(i)(C)
727.240(m)(2)	267.143(f)(1)(ii)
727.240(m)(2)(A)	267.143(f)(1)(ii)(A)
727.240(m)(2)(B)	267.143(f)(1)(ii)(B)
727.240(m)(3)	267.143(f)(1)(iii)
727.240(n)	267.143(f)(2)
727.240(n)(1)	267.143(f)(2)(i)
727.240(n)(1)(A)	267.143(f)(2)(i)(A)
727.240(n)(1)(A)(i)	267.143(f)(2)(i)(A)(*I*)
727.240(n)(1)(A)(ii)	267.143(f)(2)(i)(A)(*2*)
727.240(n)(1)(B)	267.143(f)(2)(i)(B)
727.240(n)(1)(C)	267.143(f)(2)(i)(C)
727.240(n)(1)(D)	267.143(f)(2)(i)(D)
727.240(n)(1)(E)	267.143(f)(2)(i)(A)(*I*)
727.240(n)(1)(E)(i)	267.143(f)(2)(i)(A)(*I*)(*i*)
727.240(n)(1)(E)(ii)	267.143(f)(2)(i)(A)(*I*)(*ii*)
727.240(n)(1)(E)(iii)	267.143(f)(2)(i)(A)(*I*)(*iii*)
727.240(n)(1)(E)(iv)	267.143(f)(2)(i)(A)(*I*)(*iv*)
727.240(n)(1)(E)(v)	267.143(f)(2)(i)(A)(*I*)(*v*)
727.240(n)(1)(E)(vi)	267.143(f)(2)(i)(A)(*I*)(*vi*)
727.240(n)(2)	267.143(f)(2)(ii)
727.240(n)(3)	267.143(f)(2)(iii)
727.240(n)(4)	267.143(f)(2)(iv)
727.240(n)(4)(A)	267.143(f)(2)(iv)(A)
727.240(n)(4)(B)	267.143(f)(2)(iv)(B)
727.240(n)(5)	267.143(f)(2)(v)
727.240(n)(5)(A)	267.143(f)(2)(v)(A)
727.240(n)(5)(B)	267.143(f)(2)(v)(B)
727.240(n)(6)	267.143(f)(2)(vi)
727.240(o)	267.143(g)(3)
727.240(o)(1)	267.143(g)(3)(i)
727.240(o)(1)(A)	267.143(g)(3)(i)(A)
727.240(o)(1)(B)	267.143(g)(3)(i)(B)

727.240(o)(2)	267.143(g)(3)(ii)
727.240(o)(3)	267.143(g)(3)(iii)
727.240(p)	267.147(f)(2)
727.240(p)(1)	267.147(f)(2)(i)
727.240(p)(1)(A)	267.147(f)(2)(i)(A)
727.240(p)(1)(B)	267.147(f)(2)(i)(B)
727.240(p)(1)(C)	267.147(f)(2)(i)(C)
727.240(p)(2)	267.147(f)(2)(ii)
727.240(p)(3)	267.147(f)(2)(iii)
727.240(p)(4)	267.147(f)(2)(iv)
727.240(p)(4)(A)	267.147(f)(2)(iv)(A)
727.240(p)(4)(B)	267.147(f)(2)(iv)(B)
727.240(p)(5)	267.147(f)(2)(v)
727.240(p)(5)(A)	267.147(f)(2)(v)(A)
727.240(p)(5)(B)	267.147(f)(2)(v)(B)
727.240(p)(6)	267.147(f)(2)(vi)
727.240(q)	267.147(g)(2)
727.240(q)(1)	267.147(g)(2)(i)
727.240(q)(2)	267.147(g)(2)(ii)
727.240(q)(2)(A)	267.147(g)(2)(ii)(A)
727.240(q)(2)(B)	267.147(g)(2)(ii)(B)
727.270	Subpart I of Part 267
727.270(a)	267.170
727.270(b)	267.171
727.270(c)	267.172
727.270(d)	267.173
727.270(e)	267.174
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727.290(a)	267.190
727.290(b)	267.191
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727.900	Subpart DD of Part 267
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727.900(b)	267.1101
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727.900(f)	267.1105
727.900(g)	267.1106
727.900(h)	267.1107
727.900(i)	267.1108

BOARD NOTE: The Board added Appendix B, Table B for the convenience of USEPA, the Agency, and the regulated community. It is not directly derived from any federal provision. It is intended not to have any substantive effect on implementation of the RCRA Standardized Permit rules.

(Source: Amended at 40 Ill. Reg. 12011, effective August 9, 2016)

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

PART 728
LAND DISPOSAL RESTRICTIONS

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728.TABLE I Generator Paperwork Requirements

728.TABLE T Treatment Standards for Hazardous Wastes
728.TABLE U Universal Treatment Standards (UTS)

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 12052, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24924, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15495, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11420, effective August 27, 2025.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.

c) Restricted wastes may continue to be land disposed as follows:

1) If a person has been granted an extension to the effective date of a prohibition under Subpart C or under Section 728.105, with respect to those wastes covered by the extension;

2) If a person has been granted an exemption from a prohibition under a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the following is true of the waste:

A) The waste is disposed into a non-hazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:

A) Any of the following is true of either treatment or management of the waste:

i) The waste is managed in a treatment system that subsequently discharges to waters of the United States under a permit issued under 35 Ill. Adm. Code 309;

ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or

iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and

B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).

d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).

e) The following hazardous wastes are not subject to any provision of this Part:

1) Waste generated by a VSQG, as defined in 35 Ill. Adm. Code 720.110;

2) Waste pesticide that a farmer disposes of under 35 Ill. Adm. Code 722.170;

3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; and

4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.

f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.

1) Batteries, as described in 35 Ill. Adm. Code 733.102;

2) Pesticides, as described in 35 Ill. Adm. Code 733.103;

3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

4) Lamps, as described in 35 Ill. Adm. Code 733.105;

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) must not issue a wastestream authorization under 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Act unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

h) Electronic Reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (h) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 49 Ill. Reg. 11420, effective August 27, 2025)

Section 728.102 Definitions

When used in this Part, the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

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

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C.

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

"Hazardous debris" means debris that contains a hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 or that exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Appendix K.

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

"Land disposal restriction" or "LDR" is a restriction imposed on the land disposal of a hazardous waste pursuant to this Part or 35 Ill. Adm. Code 738. The land disposal of hazardous waste is generally prohibited, except where the activity constituting land disposal is specifically allowed, pursuant to this Part or 35 Ill. Adm. Code 738.
BOARD NOTE: The Board added this definition based on the preamble discussions at 51 Fed. Reg. 40572, 40573-74 (November 7, 1986) and 53 Fed. Reg. 28118, 28119-20 (July 26, 1988). The USEPA publication "Terms of Environment Glossary, Abbreviations, and Acronyms" (December 1997), USEPA, Communications, Education, and Public Affairs, EPA 175/B-97-001, defines "land disposal restrictions" as follows: "Rules that require hazardous wastes to be treated before disposal on land to destroy or immobilize hazardous constituents that might migrate into soil and ground water."

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with federal 40 CFR 761.3 (Definitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, federal 40 CFR 264.100 or 265.93, or similar regulations in other states with RCRA programs authorized by USEPA pursuant to 40 CFR 271.

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the United States Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Underlying hazardous constituent" means any constituent listed in Table U,

"Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"USEPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

a) Except as provided in subsection (b), no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility must in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D, to circumvent the effective date of a prohibition in Subpart C, to otherwise avoid a prohibition in Subpart C, or to circumvent a land disposal restriction imposed by RCRA section 3004 (42 USC 6924).

b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, or that treats wastes for purposes of pretreatment requirements under 35 Ill. Adm. Code 310 is

not impermissible dilution for purposes of this Section, unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste numbers listed in Appendix J is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;

2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;

3) The waste has reasonable heating value, such as greater than or equal to 5,000 Btu per pound, at the point of generation;

4) The waste is co-generated with wastes for which combustion is a required method of treatment;

5) The waste is subject to any federal or state requirements necessitating reduction of organics (including biological agents); or

6) The waste contains greater than one percent Total Organic Carbon (TOC).

d) It is a form of impermissible dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.104 Treatment Surface Impoundment Exemption

a) Wastes that are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that all of the following conditions are fulfilled:

1) Treatment of such wastes occurs in the impoundments;

2) The following conditions are met:

A) Sampling and Testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.

B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues that do not meet the treatment standards promulgated under Subpart D; residues that do not meet the prohibition levels established under Subpart C or imposed by federal statute (where no treatment standards have been established); residues that are from the treatment of wastes prohibited from land disposal under Subpart C (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes that are not delisted under 35 Ill. Adm. Code 720.122. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.

C) Subsequent Management. Treatment residues must not be placed in any other surface impoundment for subsequent management.

D) Recordkeeping. Sampling, testing, and recordkeeping provisions of 35 Ill. Adm. Code 724.113 or 725.113 apply;

3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of Subpart F of 35 Ill. Adm. Code 724 or Subpart F of 35 Ill. Adm. Code 725, unless any of the following conditions is fulfilled:

A) The impoundment is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d);

B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment fulfills all of the following conditions:

i) The impoundment has at least one liner, for which there is no evidence that such liner is leaking;

ii) The impoundment is located more than one-quarter mile from an underground source of drinking water; and

iii) The impoundment is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or

C) Upon application by the owner or operator, the Board has, pursuant to Subpart D of 35 Ill. Adm. Code 104, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard must be a demonstration that the surface impoundment is located, designed, and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and

4) The owner or operator submits to the Agency a written certification that the requirements of subsection (a)(3) have been met. The following certification is required:

I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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

Any person may apply to USEPA for an extension of an effective date pursuant to 40 CFR 268.5. Any extension that is granted by USEPA will be deemed an extension of the effective date of the derivative Board rule.

(Source: Amended at 30 Ill. Reg. 3800, effective February 23, 2006)

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

a) Any person seeking an exemption from a prohibition pursuant to Subpart C for the disposal of a restricted hazardous waste in a particular unit or units must submit a petition to the Board demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous. The demonstration must include the following components:

1) An identification of the specific waste and the specific unit for which the demonstration will be made;

2) A waste analysis to describe fully the chemical and physical characteristics of the subject waste;

3) A comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality;

4) A monitoring plan that detects migration at the earliest practical time;

5) Sufficient information to assure the Agency that the owner or operator of a land disposal unit receiving restricted wastes will comply with other applicable federal, State, and local laws;

6) Whether the facility is in interim status, or, if a RCRA permit has been issued, the term of the permit.

b) The demonstration referred to in subsection (a) must meet the following criteria:

1) All waste and environmental sampling, test and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow;

2) All sampling, testing and estimation techniques for chemical and physical properties of the waste and all environmental parameters must conform with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", USEPA publication number EPA-530/SW-87-011, each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements;

4) A quality assurance and quality control plan that addresses all aspects of the demonstration and conforms with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, and with "Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", USEPA publication number EPA-530/SW-87-011; and

5) An analysis must be performed to identify and quantify any aspects of the demonstration that contribute significantly to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts, or other natural phenomena.

c) Each petition referred to in subsection (a) must include the following:

1) A monitoring plan that describes the monitoring program installed at or around the unit to verify continued compliance with the conditions of the adjusted standard. This monitoring plan must provide information on the monitoring of the unit or the environment around the unit. The following specific information must be included in the plan:

A) The media monitored in the cases where monitoring of the environment around the unit is required;

B) The type of monitoring conducted at the unit, in the cases where monitoring of the unit is required;

C) The location of the monitoring stations;

D) The monitoring interval (frequency of monitoring at each station);

E) The specific hazardous constituents to be monitored;

F) The implementation schedule for the monitoring program;

G) The equipment used at the monitoring stations;

H) The sampling and analytical techniques employed; and

I) The data recording and reporting procedures.

2) Where applicable, the monitoring program described in subsection (c)(1) must be in place for a period of time specified by the Board, as part of its approval of the petition, prior to receipt of prohibited waste at the unit.

3) The monitoring data collected according to the monitoring plan specified pursuant to subsection (c)(1) must be sent to the Agency according to a format and schedule specified and approved in the monitoring plan.

4) A copy of the monitoring data collected under the monitoring plan specified pursuant to subsection (c)(1) must be kept on-site at the facility in the operating record.

5) The monitoring program specified pursuant to subsection (c)(1) must meet the following criteria:

A) All sampling, testing, and analytical data must be approved by the Board and must provide data that is accurate and reproducible;

B) All estimation and monitoring techniques must be approved by the Board; and

C) A quality assurance and quality control plan addressing all aspects of the monitoring program must be provided to and approved by the Board.

d) Each petition must be submitted to the Board as provided in Subpart D of 35 Ill. Adm. Code 104.

e) After a petition has been approved, the owner or operator must report any changes in conditions at the unit or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the units as follows:

1) If the owner or operator plans to make changes to the unit design, construction, or operation, the owner or operator must do the following at least 90 days prior to making the change:

A) File a petition for modification of or a new petition to amend an adjusted standard with the Board reflecting the changes; or

B) Demonstrate to the Agency that the change can be made consistent with the conditions of the existing adjusted standard.

2) If the owner or operator discovers that a condition at the site that was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Agency within 10 days after discovering the change. The Agency must determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance, a petition for modification of or a new petition for an adjusted standard.

f) If there is migration of hazardous constituents from the unit, as determined by the owner or operator, the owner or operator must do the following:

1) It must immediately suspend receipt of prohibited waste at the unit, and

2) It must notify the Agency, in writing, within 10 days after the determination that a release has occurred.

3) Following receipt of the notification, the Agency must do the following within 60 days after receiving notification:

A) It must determine whether the owner or operator can continue to receive prohibited waste in the unit under the conditions of the adjusted standard.

B) If modification or vacation of the adjusted standard is necessary, it must file a motion to modify or vacate the adjusted standard with the Board.

C) It must determine whether further examination of any migration is required pursuant to the applicable provisions of 35 Ill. Adm. Code 724 or 725.

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

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

h) After receiving a petition, the Board may request any additional information that may be required to evaluate the demonstration.

i) If approved, the petition will apply to land disposal of the specific restricted waste at the individual disposal unit described in the demonstration and will not apply to any other restricted waste at that disposal unit, or to that specific restricted waste at any other disposal unit.

j) The Board will give public notice and provide an opportunity for public comment, as provided in Subpart D of 35 Ill. Adm. Code 104. Notice of a final decision on a petition will be published in the Environmental Register.

k) The term of a petition granted pursuant to this Section will be no longer than the term of the RCRA permit if the disposal unit is operating pursuant to a RCRA permit, or up to a maximum of 10 years from the date of approval provided pursuant to subsection (g) if the unit is operating under interim status. In either case, the term of the granted petition expires upon the termination or denial of a RCRA permit, or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached.

l) Prior to the Board's decision, the applicant must comply with all restrictions on land disposal pursuant to this Part once the effective date for the waste has been reached.

m) The petition granted by the Board does not relieve the petitioner of responsibilities in the management of hazardous waste pursuant to 35 Ill. Adm. Code 702, 703, 720 through 728, and 738.

n) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm are not eligible for an adjusted standard pursuant to this Section.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities

a) Requirements for Generators and Reverse Distributors

1) A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made concurrently with the hazardous waste determination required in 35 Ill. Adm. Code 722.111, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, if the waste treatment facility must comply with the requirements of 35 Ill. Adm. Code 724.113 and subsection (b).) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment

standards are also found in Section 728.140 and Table T, and are described in detail in Table C. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator must comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of whether its waste must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the USEPA hazardous waste numbers and manifest number of the first shipment, and it must include the following statement: "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation, the waste generator must do the following:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I and the following certification statement, signed by an authorized representative:

> I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in Subpart D of 35 Ill. Adm. Code 728. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant

penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed "(a)(3)" in Table I.

C) If the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in its files. A generator of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) is not subject to these requirements.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under Subpart C. If a generator's waste is so exempt, then with the initial shipment of waste, the generator must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I. If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in its file.

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.115, 722.116, and 722.117 to meet applicable LDR treatment standards found at Section 728.140, the generator must develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site under this subsection (a)(5) must comply with the notification requirements of subsection (a)(3).

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or that is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator must retain a copy of all notices, certifications, waste analysis data, and other documentation produced under this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(8) is subject to Board review under Section 40 of the Act.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator must fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

> I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under Appendix D to 35 Ill. Adm. Code 728 and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

D) The generator must also comply with the requirements in subsections (a)(6) and (a)(7).

10) An SQG with tolling agreements under 35 Ill. Adm. Code 722.120(e) must comply with the applicable notification and certification requirements of subsection (a) for the initial shipment of the waste subject to the agreement. Such generators must retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested in writing by the Agency.

BOARD NOTE: Any Agency request for extended records retention under this subsection (a)(10) is subject to Board review under Section 40 of the Act.

b) The owner or operator of a treatment facility must test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3).

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility must test an extract of the treatment residues using Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the following requirements:

i) USEPA hazardous waste number and manifest number of first shipment;

ii) The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

iii) The notice must include the applicable wastewater/ nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a USEPA hazardous waste numbers based on waste-specific criteria (such as D003 reactive cyanide);

iv) Waste analysis data (when available);

v) For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c)"; and

vi) A certification is needed (see applicable Section for exact wording).

4) The owner or operator of a treatment facility must submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to

the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology listed in Table F and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state as follows:

> I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in Table C to 35 Ill. Adm. Code 728. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T (other than those expressed as a required method of treatment) or Section 728.149 and that contain underlying hazardous constituents, as defined in Section 728.102(i); if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet treatment

standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

E) For characteristic wastes that contain underlying hazardous constituents, as defined in Section 728.102(i), that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U universal treatment standards, the certification must state as follows:

> I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i), have been treated on-site to meet the universal treatment standards of 35 Ill. Adm. Code 728.148 and Table U of that Part. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility that sends the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) If the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) must, for the initial shipment of waste, prepare a one-time certification described in subsection (b)(4) and a notice that includes the information listed in subsection (b)(3) (except the manifest number). The certification and notification must be placed in the facility's on-site files. If the waste or the receiving facility changes, a new certification and notification must be prepared and placed in the on-site files. In addition, the owner or operator of the recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except if the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal under 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part must do the following:

1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b).

2) Test the waste or an extract of the waste or treatment residue developed using Method 1311 (Toxicity Characteristic Leaching Procedure in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846) to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 35 Ill. Adm. Code 725.113.

3) If the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator must ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) If the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) (i.e., debris treated by an extraction or destruction technology provided by Table F, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the technology from Table F used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.103(f)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(f)(1), the owner or operator of the treatment facility must document and certify compliance with the treatment standards of Table F, as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state as follows:

> I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and a generator or treater that first determines that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste must do the following:

1) Prepare a one-time only documentation of these determinations including all supporting information; and

2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 44 Ill. Reg. 15495, effective September 3, 2020)

Section 728.108 Landfill and Surface Impoundment Disposal Restrictions (Repealed)

(Source: Repealed at 15 Ill. Reg. 9462, effective June 17, 1991)

Section 728.109 Special Rules for Characteristic Wastes

a) The initial generator of a solid waste must determine each USEPA hazardous waste number applicable to the waste in order to determine the applicable treatment standards under Subpart D. This determination may be made concurrently with the hazardous waste determination required in Section 722.111. For purposes of this Part, the waste must carry the USEPA hazardous waste number for any applicable listing under Subpart D of 35 Ill. Adm. Code 721. In addition, the waste must carry one or more of the USEPA hazardous waste numbers under Subpart C of 35 Ill. Adm. Code 721 where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b). If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of Table C), the generator must determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.

b) Where a prohibited waste is both listed under Subpart D of 35 Ill. Adm. Code 721 and exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721, the treatment standard for the USEPA hazardous waste number listed in Subpart D of 35 Ill. Adm. Code 721 will operate in lieu of the standard for the USEPA hazardous waste number under Subpart C of 35 Ill. Adm. Code 721, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic USEPA hazardous waste numbers.

c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under Subpart C of 35 Ill. Adm. Code 721 must be land disposed, unless the waste complies with the treatment standards under Subpart D.

d) A waste that exhibits a characteristic of hazardous waste under Subpart C of 35 Ill. Adm. Code 721 is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's on-site files. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes.

1) The notification must include the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and

B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability groups, and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section 728.110 First Third (Repealed)

(Source: Repealed at 22 Ill. Reg. 783, effective December 16, 1997)

Section 728.111 Second Third (Repealed)

(Source: Repealed at 22 Ill. Reg. 783, effective December 16, 1997)

Section 728.112 Third Third (Repealed)

(Source: Repealed at 22 Ill. Reg. 783, effective December 16, 1997)

Section 728.113 Newly Listed Wastes

In corresponding 40 CFR 268.13, USEPA stated that it would make a land disposal prohibition determination for any hazardous waste identified or listed after November 8, 1984 within six months after the date of identification or listing. This statement maintains structural consistency with the corresponding federal regulations.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.114 Surface Impoundment Exemptions

a) This Section defines additional circumstances under which an otherwise prohibited waste may continue to be placed in a surface impoundment.

b) Wastes that are newly identified or listed by USEPA persuant to Section 3001 of RCRA (42 USC 6921) after November 8, 1984 and which are stored in a surface impoundment that is newly subject to subtitle C of RCRA (42 USC 6921 et seq.) as a result of the additional identification or listing may continue to be stored in the surface impoundment for 48 months after the promulgation of the additional listing or characteristic, notwithstanding the fact that the waste is otherwise prohibited from land disposal, provided that the surface impoundment is in compliance with the requirements of Subpart F of 35 Ill. Adm. Code 725 within 12 months after promulgation of the new listing or characteristic.

c) Wastes that are newly identified or listed by USEPA under Section 3001 of RCRA (42 USC 6921) after November 8, 1984 and which are treated in a surface impoundment that is newly subject to Subtitle C of RCRA (42 USC 6921 et seq.) as a result of the additional identification or listing may continue to be treated in that surface impoundment, notwithstanding the fact that the waste is otherwise prohibited from land disposal, provided that the surface impoundment is in compliance with the requirements of Subpart F of 35 Ill. Adm. Code 725 within 12 months after the promulgation of the new listing or characteristic. In addition, if the surface impoundment continues to treat hazardous waste after 48 months from promulgation of the additional listing or characteristic, it must then be in compliance with Section 728.104.

(Source: Amended at 30 Ill. Reg. 3800, effective February 23, 2006)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.120 Waste-Specific Prohibitions: Dyes and Pigments Production Wastes

a) The waste specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K181, soil and debris contaminated with this waste, radioactive wastes mixed with this waste, and soil and debris contaminated with radioactive wastes mixed with this waste are prohibited from land disposal.

b) The requirements of subsection (a) do not apply if any of the following conditions are fulfilled:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) A no-migration exemption has been granted from a prohibition pursuant to a petition under Section 728.106, in which case the requirements of subsection (a) do not apply with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or

5) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, in which case the requirements of subsection (a) do not apply with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract of the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels set forth in Subpart D, the waste is prohibited from land disposal, and all requirements of this Part apply, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.130 Waste-Specific Prohibitions: Wood Preserving Wastes

a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, and F035.

b) The following wastes are prohibited from land disposal: soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as F032, F034, F035; and radioactive wastes mixed with USEPA hazardous waste numbers F032, F034, and F035.

c) This subsection (c) corresponds with 40 CFR 268.30(c), which expired by its own terms on May 12, 1999. This statement maintains structural consistency with the corresponding federal regulations.

d) The requirements of subsections (a) and (b) do not apply if any of the following conditions is fulfilled:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

4) A person has been granted an extension to the effective date of a prohibition by USEPA pursuant to federal 40 CFR 268.5 (see Section 728.105), with respect to those wastes covered by the extension.

e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U, the waste is prohibited from land disposal and all requirements of Part 728 are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.131 Waste-Specific Prohibitions: Dioxin-Containing Wastes

a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 as USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027, and F028 are prohibited from land disposal, unless the following condition applies: the dioxin-containing waste is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action.

b) USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026, F027, and F028, and dioxin-containing waste that is contaminated soil and debris resulting from a CERCLA response or a RCRA corrective action listed in subsection (a) are prohibited from land disposal.

c) This subsection (c) corresponds with 40 CFR 268.31(c), which expired by its own terms on November 8, 1990. This statement maintains structural consistency with the corresponding federal regulations.

d) The requirements of subsections (a) and (b) do not apply if any of the following conditions is fulfilled:

1) The wastes meet the standards of Subpart D; or

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or

3) A person has been granted an extension from the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes and units covered by the extension.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.132 Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs

a) The following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (USEPA hazardous waste numbers D004 through D011) and containing PCBs.

b) The requirements of subsection (a) do not apply if any of the following conditions is fulfilled:

1) Low-Halogenated Organics Waste Meeting the Treatment Standards of Subpart D

A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

B) The wastes meet the treatment standards specified in Subpart D for USEPA hazardous waste numbers D004 through D011, as applicable; or

2) Low-Halogenated Organics Waste Meeting Alternative Treatment Standards for Contaminated Soil

A) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

B) The wastes meet the alternative treatment standards specified in Section 728.149 for contaminated soil; or

3) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition; or

4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under Section 728.144.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.133 Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes

a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

b) The requirements of subsection (a) do not apply if any of the following conditions is fulfilled:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

4) Hazardous debris has met the treatment standards in Section 728.140 or the alternative treatment standards in Section 728.145; or

5) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D, the waste is prohibited from land disposal, and all requirements of this Part 728 are applicable, except as otherwise specified.

d) Disposal of USEPA hazardous waste number K175 wastes that have complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F, unless the waste is placed in one of the following:

1) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable Section 728.140 treatment standards; or

2) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.134 Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes

a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.

b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.

c) The following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

d) This subsection (d) corresponds with 40 CFR 269.34(d), which expired by its own terms on May 26, 2000. This statement maintains structural consistency with the corresponding federal regulations.

e) The requirements of subsections (a) and (b) do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

4) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to those wastes covered by the extension.

f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T, the initial generator must test a sample of the waste extract or the entire waste,

depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.135 Waste-Specific Prohibitions: Petroleum Refining Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous wastes numbers K169, K170, K171, and K172; soils and debris contaminated with these wastes; radioactive wastes mixed with these hazardous wastes; and soils and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

b) The requirements of subsection (a) do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) The Board has granted an adjusted standard that exempts waste from a prohibition pursuant to Section 728.106, with respect to those wastes and units covered by the adjusted standard;

3) The wastes meet an adjusted standard from an applicable treatment standard granted under Section 728.144;

4) The waste is hazardous debris that has met the treatment standards set forth in Section 728.140 and Table T or the alternative treatment standards in Section 728.145; or

5) USEPA has granted an extension to the effective date of a prohibition pursuant to federal 40 CFR 268.5, with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of

Section 728.148 and Table U, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.136 Waste-Specific Prohibitions: Inorganic Chemical Wastes

a) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous wastes numbers K176, K177, and K178, and soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

b) The requirements of subsection (a) do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

4) Hazardous debris has met the treatment standards in Section 728.140 and Table T or the alternative treatment standards in Section 728.145; or

5) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

c) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of Subpart D, the waste is prohibited from land disposal, and all requirements of this part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.137 Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated

a) The wastes specified in 35 Ill. Adm. Code 721.121 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in 35 Ill. Adm. Code 721.122 as D002, that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or greater than these technologies.

b) The wastes specified in 35 Ill. Adm. Code 721.121 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in 35 Ill. Adm. Code 721.122 as D002, that are managed in systems defined in 35 Ill. Adm. Code 704 and 730 as Class V injection wells, that do not engage in CWA-equivalent treatment before injection, are prohibited from land disposal.

(Source: Amended at 27 Ill. Reg. 13045, effective July 17, 2003)

Section 728.138 Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with USEPA hazardous waste numbers F037, F038, K107 through K112, K117, K118, K123 through K126, K131, K132, K136, U328, U353, U359 and soil and debris contaminated with D012 through D043, K141 through K145, and K147 through K151 are prohibited from land disposal. The following wastes that are specified in the table at 35 Ill. Adm. Code 721.124(b) as USEPA hazardous waste numbers D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043 that are not radioactive, that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA; 33 U.S.C. 1251 et seq.), that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) are prohibited from land disposal. "CWA-equivalent treatment", as used in this Section, means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation and sedimentation for metals, reduction for hexavalent chromium, or another treatment technology that can be demonstrated to perform equally to or better than these technologies.

b) Radioactive wastes that are mixed with any of USEPA hazardous waste numbers D018 through D043 waste that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), in systems that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or in systems that are zero dischargers that engage in CWA-equivalent treatment, as defined in subsection (a), before ultimate land disposal are prohibited from land disposal. Radioactive wastes mixed with any of USEPA hazardous waste numbers K141 through K145 and K147 through K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

c) This subsection (c) corresponds with 40 CFR 268.38(c), which expired by its own terms on September 19, 1996. This statement maintains structural consistency with the corresponding federal regulations.

d) The requirements of subsections (a), (b), and (c) do not apply if any of the following applies to the waste:

1) The wastes meet the applicable treatment standards specified in Subpart D;

2) A person has been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144;

4) A person has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.

e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable levels of Subpart D, the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.139 Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code:Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).

c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

d) Radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

e) This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural consistency with the corresponding federal regulations.

f) The requirements of subsections (a), (b), (c), and (d) do not apply if any of the following applies to the waste:

    1) The wastes meet the applicable treatment standards specified in Subpart D;

    2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;

3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or

4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.

g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable levels of Subpart D, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

a) A prohibited waste identified in Table T, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Table. For each waste, Table T identifies one of three types of treatment standard requirements:

1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T for that waste (total waste standards);

2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T (waste extract standards); or

3) The waste must be treated using the technology specified in Table T (technology standard), which is described in detail in Table C, "Technology Codes and Description of Technology-Based Standards".

b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication

number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310B (Extraction Procedure Toxicity Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

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

d) Notwithstanding the prohibitions specified in subsection (a), treatment and disposal facilities may demonstrate (and certify pursuant to Section 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T, provided the following conditions are satisfied:

1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;

2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) to treat the organic constituents; and

3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T by an order of magnitude.

e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102) must meet the universal treatment standards, set forth in Table U prior to land disposal, as defined in Section 728.102.

f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is

measured for these constituents in the waste extract from test Method 1311 (Toxicity Characteristic Leaching Procedure) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a). If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

g) This subsection (g) corresponds with 40 CFR 268.40(g), which expired by its own terms on March 4, 1999. This statement maintains structural consistency with the corresponding federal rules.

h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

i) This subsection (i) corresponds with 40 CFR 268.40(i), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.

j) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in Table T, "Treatment Standards for Hazardous Wastes", or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters; biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST at Table C, for wastewaters.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.141 Treatment Standards Expressed as Concentrations in Waste Extract

For the requirements previously found in this Section and for treatment standards in Table A, "Table CCWE-Constituent Concentrations in Waste Extracts", refer to Section 728.140 and Table T, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.142 Treatment Standards Expressed as Specified Technologies

a) The following wastes listed in Table T, "Treatment Standards for Hazardous Wastes", for which standards are expressed as a treatment method rather than as a concentration level, must be treated using the technology or technologies specified in Table C.

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70 (Incineration), incorporated by reference in 35 Ill. Adm. Code 720.111(b), or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60 (Disposal Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b). Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1,000 mg/kg and liquid HOC-containing wastes that are prohibited pursuant to Section 728.132(e)(1) must be incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. These treatment standards do not apply where the waste is subject to a treatment standard codified in Subpart C for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established pursuant to Section 728.141(a)).

3) A mixture consisting of wastewater, the discharge of which is subject to regulation pursuant to 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process that meet the criteria of the D001 ignitable liquids containing greater than 10 percent total organic constituents (TOC) subcategory are subject to the DEACT treatment standard described in Table C. For purposes of this subsection (a)(3), "de minimis losses" include the following:

A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);

B) Minor leaks from process equipment, storage tanks, or containers;

C) Leaks from well-maintained pump packings and seals;

D) Sample purgings; and

E) Relief device discharges.

b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), (c), and (d) for wastes or specified in Table F for hazardous debris. The applicant must submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part; 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the Environmental Protection Act and that the treatment method adequately protects human health and the environment. On the basis of such information and any other available information, the Agency must approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), (c), and (d) and in Table F, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued must comply with all limitations contained in such determination.

c) As an alternative to the otherwise applicable treatment standards of Subpart D, lab packs are eligible for land disposal provided the following requirements are met:

1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional restrictions on the use of lab packs.

2) The lab pack does not contain any of the wastes listed in Appendix D;

3) The lab packs are incinerated in accordance with the requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725; and

4) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified for such wastes in Subpart D.

d) Radioactive hazardous mixed wastes are subject to the treatment standards in Section 728.140 and Table T. Where treatment standards are specified for radioactive mixed wastes in Table T, "Table of Treatment Standards", those treatment standards will govern. Where there is no specific treatment standard for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by USEPA hazardous waste number) applies. Hazardous debris containing radioactive waste is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.143 Treatment Standards Expressed as Waste Concentrations

For the requirements previously found in this Section and for treatment standards in Table A, "CCW-Constituent Concentrations in Wastes", refer to Section 728.140 and Table T, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.144 USEPA Variance from a Treatment Standard

a) Based on a petition filed by a generator or treater of hazardous waste, USEPA has stated that it may approve a variance from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media); or

B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

BOARD NOTE: A variance from a treatment standard is available only from USEPA. USEPA has reserved to itself the authority to grant a variance from a treatment standard.

b) Each petition must be submitted in accordance with the procedures in 40 CFR 260.20.

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

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

d) After receiving a petition for an adjusted treatment standard, USEPA has stated that it may request any additional information or samples that are necessary to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected states and Regional Offices.

e) USEPA has stated that it will give public notice in the Federal Register of the intent to approve or deny a petition and provide an opportunity for public comment. USEPA has stated that the final decision on a variance from a treatment standard will be published in the Federal Register.

f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard must comply with the waste analysis requirements for restricted wastes found under Section 728.107.

g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

h) Based on a petition filed by a generator or treater of hazardous waste, USEPA has stated that it may approve a site-specific variance from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or

2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on combustion of such media); or

B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

3) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) the concentrations necessary to minimize short- and long-term threats to human health and the environment. USEPA has stated that a treatment variance granted under 40 CFR 268.44(h)(3) will include the following features:

A) At a minimum, USEPA has stated that a treatment variance approved under 40 CFR 268.44(h)(3) will impose an alternative land disposal restriction treatment standard that will achieve the following, using a reasonable maximum exposure scenario:

i) For carcinogens, it will achieve constituent concentrations that result in the total excess risk to an individual exposed over a lifetime, generally falling within a range from 10^{-4} to 10^{-6}; and

ii) For constituents with non-carcinogenic effects, it will achieve constituent concentrations that an individual could be exposed to on a daily basis without appreciable risk of deleterious effect during a lifetime.

B) USEPA has stated that a treatment variance approved under 40 CFR 268.44(h)(3) will not consider post-land-disposal controls.

4) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) natural background concentrations at the site where the contaminated soil will be land disposed.

5) USEPA has stated that public notice and a reasonable opportunity for public comment must be provided before granting or denying a petition.

i) Each petition for a site-specific variance from a treatment standard must include the information in 40 CFR 260.20(b)(1) through (b)(4).

j) After receiving an application for a site-specific variance from a treatment standard, USEPA may request any additional information or samples that USEPA determines are necessary to evaluate the petition.

k) A generator, treatment facility, or disposal facility that is managing a waste covered by a site-specific variance from a treatment standard must comply with the waste analysis requirements for restricted wastes in Section 728.107.

l) During the petition review process, the petitioner for a site-specific variance must comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

m) For any variance from a treatment standard, the petitioner must also demonstrate that compliance with the requested variance is sufficient to minimize threats to human health and the environment posed by land disposal of the waste. In evaluating this demonstration, USEPA has stated that it will take into account whether the treatment variance should be granted if the subject waste is to be used in a manner constituting disposal pursuant to 40 CFR 266.20 through 266.23.

n) This subsection (n) corresponds with 40 CFR 268.44(n), marked "reserved" by USEPA. This statement maintains structural consistency with corresponding federal regulations.

o) The facilities listed in Table H are excluded from the treatment standards under Section 728.143(a) and Table B, and are subject to the constituent concentrations listed in Table H.

p) After USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.145 Treatment Standards for Hazardous Debris

a) Treatment Standards. Hazardous debris must be treated prior to land disposal as follows, unless the Agency has determined, under 35 Ill. Adm. Code 721.103(f)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart D for the waste contaminating the debris:

1) General. Hazardous debris must be treated for each "contaminant subject to treatment", defined by subsection (b), using the technology or technologies identified in Table F.

2) Characteristic Debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, or 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Table F.

3) Mixtures of Debris Types. The treatment standards of Table F must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.

4) Mixtures of Contaminant Types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) must be treated for each contaminant using one or more treatment technologies identified in Table F. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.

5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), incorporated by reference in 35 Ill. Adm. Code 720.111(b), is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.

b) Contaminants Subject to Treatment. Hazardous debris must be treated for each "contaminant subject to treatment". The contaminants subject to treatment must be determined as follows:

1) Toxicity Characteristic Debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.

2) Debris Contaminated with Listed Waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which treatment standards are established for the waste under Section 728.140 and Table T.

3) Cyanide Reactive Debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.

c) Conditioned Exclusion of Treated Debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Table F and that does not exhibit a characteristic of hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721 after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Table F is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.

d) Treatment Residuals

1) General Requirements. Except as provided by subsections (d)(2) and (d)(4):

A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and

B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by Subpart D for the waste contaminating the debris.

2) Nontoxic Debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b), must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of Subpart D.

3) Cyanide-Reactive Debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for USEPA hazardous waste number D003 under Section 728.140 and Table T.

4) Ignitable Nonwastewater Residue. Ignitable nonwastewater residue containing equal to or greater than 10 percent total organic carbon is subject to the technology specified in the treatment standard for USEPA hazardous waste number D001: Ignitable Liquids.

5) Residue from Spalling. Layers of debris removed by spalling are hazardous debris that remains subject to the treatment standards of this Section.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.146 Alternative Treatment Standards Based on HTMR

For the treatment standards previously found in Table G, as formerly referenced in this Section, refer to Section 728.140 and Table T, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.148 Universal Treatment Standards

Table U, "Universal Treatment Standards (UTS)", identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in Section 728.102(i), these treatment standards may not be exceeded. Compliance with these treatment standards is measured by an analysis of grab samples, unless otherwise noted in Table U.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

a) Applicability. An owner or operator must comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	—	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined not to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Do not apply to the listed waste now.	—	Needs not comply with LDRs.

* For dates of LDR applicability, see Appendix G. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last

date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) or according to the universal treatment standards specified in Section 728.148 and Table U applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment Standards for Contaminated Soils. Prior to land disposal, contaminated soil identified by subsection (a) as needing to comply with LDRs must be treated according to all the standards specified in this subsection (c) or according to the universal treatment standards specified in Section 728.148 and Table U.

1) All Soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:

A) For non-metals except carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C).

B) For metals and carbon disulfide, cyclohexanone, and methanol, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C).

C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U.

2) Soils That Exhibit the Characteristic of Ignitability, Corrosivity or Reactivity. In addition to the treatment required by subsection (c)(1), prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

3) Soils That Contain Nonanalyzable Constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2), prior to land

disposal, the following treatment is required for soils that contain nonanalyzable constituents:

A) For soil that contains only analyzable and nonanalyzable organic constituents, treatment of the analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2); or

B) For soil that contains only nonanalyzable constituents, treatment by the methods specified in Section 728.142 for the waste contained in the soil.

d) Constituents Subject to Treatment. When applying the soil treatment standards in subsection (c), constituents subject to treatment are any constituents listed in Table U, entitled "Universal Treatment Standards", that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, zinc, and that are present at concentrations greater than ten times the universal treatment standard. PCBs are not constituents subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.

e) Management of Treatment Residuals. Treatment residuals from treating contaminated soil identified by subsection (a) as needing to comply with LDRs must be managed as follows:

1) Soil residuals are subject to the treatment standards of this Section;

2) Non-soil residuals are subject to the following requirements:

A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and

B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.116 and 722.117 and 35 Ill. Adm. Code 724 and 725. (A generator that is in existence on the effective date of a regulation under this Part and that must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:

A) Each container is clearly marked with the following to identify:

i) The words "Hazardous Waste";

ii) The applicable USEPA hazardous waste numbers in Subparts C and D of 35 Ill. Adm. Code 721; or use a nationally recognized electronic system, such as bar coding, to identify the USEPA hazardous waste numbers;

iii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristics (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with subpart E (Labeling) or subpart F (Placarding) of 49 CFR 172, incorporated by reference in 35 Ill. Adm. Code 720.111; a hazard statement or pictogram consistent with 29 CFR 1910.1200, incorporated by reference in 35 Ill. Adm. Code 720.111; or a chemical hazard label consistent with NFPA 704, incorporated by reference in 35 Ill. Adm. Code 720.111); and

iv) The date each period of accumulation begins.

B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator must

comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

4) A healthcare facility accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the healthcare facility complies with the applicable requirements in 35 Ill. Adm. Code 726.602 and 726.603.

5) A reverse distributor accumulates such wastes in containers on site solely for the purpose of accumulating the quantities of hazardous waste pharmaceuticals as necessary to facilitate proper recovery, treatment, or disposal, and the reverse distributor complies with 35 Ill. Adm. Code 726.610.

b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension granted by USEPA under 40 CFR 268.5, an approved Section 728.106 petition or a national capacity variance granted by USEPA under subpart C of 40 CFR 268), the prohibition in subsection (a) does not apply during the period of such exemption.

e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142, and 728.143 or the adjusted treatment standards specified under Section 728.144, or, if treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of federal 40 CFR 761.65(b) (Storage for Disposal), incorporated by reference in 35 Ill. Adm. Code 720.111(b), and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage.

The provisions of subsection (c) do not apply to such PCB wastes prohibited under Section 728.132.

g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved under 35 Ill. Adm. Code 724.654.

(Source: Amended at 44 Ill. Reg. 15495, effective September 3, 2020)

Section 728.Appendix A Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)

(Source: Repealed at 22 Ill. Reg. 17706, effective September 28, 1998)

Section 728.Appendix B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)

(Source: Repealed at 22 Ill. Reg. 17706, effective September 28, 1998)

Section 728.APPENDIX C List of Halogenated Organic Compounds Regulated under Section 728.132

In determining the concentration of halogenated organic compounds (HOCs) in a hazardous waste for purposes of the Section 728.132 land disposal prohibition, USEPA has defined the HOCs that must be included in a calculation as any compounds having a carbon-halogen bond that are listed in this Appendix (see Section 728.102). This Appendix C to Part 728 consists of the following compounds:

I. Volatiles

1. Bromodichloromethane (CAS No. 75-27-4)
2. Bromomethane (CAS No. 74-83-9)
3. Carbon Tetrachloride (tetrachloromethane) (CAS No. 56-23-5)
4. Chlorobenzene (CAS No. 108-90-7)
5. 2-Chloro-1,3-butadiene (CAS No. 126-99-8)
6. Chlorodibromomethane (CAS No. 124-48-1)
7. Chloroethane (CAS No. 75-00-3)
8. 2-Chloroethyl vinyl ether ((2-chloroethoxy)ethene) (CAS No. 110-75-8)
9. Chloroform (trichloromethane) (CAS No. 67-66-3)
10. Chloromethane (CAS No. 74-87-3)
11. 3-Chloropropene (3-chloroprop-1-ene) (CAS No. 107-05-1)
12. 1,2-Dibromo-3-chloropropane (CAS No. 96-12-8)
13. 1,2-Dibromoethane (CAS No. 106-93-4)
14. Dibromomethane (CAS No. 74-95-3)
15. Trans-1,4-Dichloro-2-butene ((2E)-1,4-dichloro-2-butene) (CAS No. 110-57-6)
16. Dichlorodifluoromethane (CAS No. 75-71-8)
17. 1,1-Dichloroethane (CAS No. 75-34-3)
18. 1,2-Dichloroethane (CAS No. 107-06-2)

19. 1,1-Dichloroethylene (1,1-dichloroethene) (CAS No. 75-35-4)
20. Trans-1,2-Dichloroethene ((1E)-1,2-dichloroethene) (CAS No. 156-60-5)
21. 1,2-Dichloropropane (CAS No. 78-87-5)
22. Trans-1,3-Dichloropropene ((1E)-1,3-dichloroprop-1-ene) (CAS No. 10061-02-6)
23. cis-1,3-Dichloropropene ((1Z)-1,3-dichloroprop-1-ene) (CAS No. 10061-01-5)
24. Iodomethane (CAS No. 74-88-4)
25. Methylene chloride (dichloromethane) (CAS No. 75-09-2)
26. 1,1,1,2-Tetrachloroethane (CAS No. 630-20-6)
27. 1,1,2,2-Tetrachloroethane (CAS No. 79-34-5)
28. Tetrachloroethene (CAS No. 127-18-4)
29. Tribromomethane (CAS No. 75-25-2)
30. 1,1,1-Trichloroethane (CAS No. 71-55-6)
31. 1,1,2-Trichloroethane (CAS No. 79-00-5)
32. Trichloroethene (CAS No. 79-01-6)
33. Trichloromonofluoromethane (trichlorofluoromethane) (CAS No. 75-69-4)
34. 1,2,3-trichloropropane (CAS No. 96-18-4)
35. Vinyl Chloride (chloroethene) (CAS No. 75-01-4)

II. Semivolatiles

1. Bis(2-chloroethoxy)ethane (1,2-bis(2-chlorethoxy)ethane) (CAS No. 112-26-5)
2. Bis(2-chloroethyl) ether (1,1'-oxybis(2-chloroethane)) (CAS No. 111-44-4)
3. Bis(2-chloroisopropyl)ether (2,2'-oxybis(2-chloropropane)) (CAS No. 39638-32-9)
4. p-Chloroaniline (4-chlorobenzeneamine) (CAS No. 106-47-8)
5. Chlorobenzilate (ethyl 2,2-bis(4-chlorophenyl)-2-hydroxyacetate) (CAS No. 510-15-6)
6. p-Chloro-m-cresol (4-chloro-3-methylphenol) (CAS No. 59-50-7)
7. 2-Chloronaphthalene (CAS No. 91-58-7)
8. 2-Chlorophenol (CAS No. 95-57-8)
9. 3-Chloropropionitrile (3-chloropronanenitrile) (CAS No. 542-76-7)
10. m-Dichlorobenzene (1,3-dichlorobenzene) (CAS No. 541-73-1)
11. o-Dichlorobenzene (1,2-dichlorobenzene) (CAS No. 95-50-1)
12. p-Dichlorobenzene (1,4-dichlorobenzene) (CAS No. 106-46-7)
13. 3,3'-Dichlorobenzidine (4-(4-amino-3-chlorophenyl)-2-chloroaniline) (CAS No. 91-94-1)
14. 2,4-Dichlorophenol (CAS No. 120-83-2)
15. 2,6-Dichlorophenol (CAS No. 87-65-0)
16. Hexachlorobenzene (CAS No. 118-74-1)
17. Hexachlorobutadiene (hexachlorobuta-1,3-diene) (CAS No. 87-68-3)
18. Hexachlorocyclopentadiene (CAS No. 77-47-4)
19. Hexachloroethane (CAS No. 67-72-1)
20. Hexachlorophene (2,2'-methylenebis(3,4,6-trichlorophenol)) (CAS No. 70-30-4)
21. Hexachloropropene (CAS No. 1888-71-7)
22. 4,4'-Methylenebis(2-chloroanaline) (4-[(4-amino-3-chlorophenyl)methyl]-2-chloroaniline) (CAS No. 101-14-4)
23. Pentachlorobenzene (CAS No. 608-93-5)
24. Pentachloroethane (CAS No. 76-01-7)

25. Pentachloronitrobenzene (CAS No. 82-68-8)
26. Pentachlorophenol (CAS No. 87-86-5)
27. Pronamide (3,5-dichloro-N-(1,1-dimethylprop-2-ynyl)benzamide) (CAS No. 23950-58-5)
28. 1,2,4,5-Tetrachlorobenzene (CAS No. 95-94-3)
29. 2,3,4,6-Tetrachlorophenol (CAS No. 58-90-2)
30. 1,2,4-Trichlorobenzene (CAS No. 120-82-1)
31. 2,4,5-Trichlorophenol (CAS No. 95-95-4)
32. 2,4,6-Trichlorophenol (CAS No. 88-06-2)
33. Tris(2,3-dibromopropyl) phosphate (CAS No. 126-72-7)

III. Organochlorine Pesticides

1. Aldrin ((1R,4S,4aS,5S,8R,8aR)-1,2,3,4,10,10-hexachloro-1,2,4a,5,8,8a-hexahydro-1,4:5,8-dimethanonaphthlene) (CAS No. 309-00-2)
2. alpha-BHC (α-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 319-84-6)
3. beta-BHC (β-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 319-85-7)
4. delta-BHC (δ-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 58-89-9)
5. gamma-BHC (γ-1,2,3,4,5,6-hexachlorocyclohexane) (CAS No. 319-86-8)
6. Chlordane (1,2,4,5,6,7,8,8-octachloro-3a,4,5,5a-tetrahydro-4,7-methanoindane) (CAS No. 57-74-9)
7. DDD (1,1-bis(4-chlorophenyl)-2,2-dichloroethane) (CAS No. 72-54-8)
8. DDE (1,1-bis(4-chlorophenyl)-2,2-dichloroethene) (CAS No. 72-55-9)
9. DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane) (CAS No. 50-29-3)
10. Dieldrin ((1a*R*,2*R*,2a*S*,3*S*,6*R*,7*S*,7a*S*)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphtho[2,3-b]oxirene) (CAS No. 60-57-1)
11. Endosulfan I ((3α,5aβ,6α,9α,9aβ)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide) (CAS No. 959-98-8)
12. Endosulfan II ((3α,5aβ,6β,9β,9aα)-6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepine-3-oxide) (CAS No. 33213-65-9)
13. Endrin (1aα,2β,2aβ,3aα,6α,6aβ,7β,7aα)-3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-2,7:3,6-dimethanonaphth(2,3-b)oxirene) (CAS No. 72-20-8)
14. Endrin aldehyde (1α,2β,2aβ,4β,4aβ,5β,6aβ,6bβ,7R*)-2,2a,3,3,4,7-hexachlorodecahydro-1,2,4-methenocyclopenta(c,d)pentalene-5-carboxaldehyde) (CAS No. 7421-93-4)
15. Heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1*H*-indene) (CAS No. 76-44-8)
16. Heptachlor epoxide ((1aR,1bS,2R,5S,5aR,6S,6aR)-2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-2,5-methano-2*H*-indeno(1,2b)oxirene) (CAS No. 1024-57-3)
17. Isodrin ((1R,4S,4aS,5R,8S,8aR)-rel-1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-dimethanonaphthalene) (CAS No. 465-73-6)
18. Kepone (1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-1,3,4-metheno-2H-cyclobuta(cd)pentalen-2-one) (CAS No. 143-50-0)
19. Methoxychlor (1,1'-(2,2,2-trichloroethylidene)bis(4-methoxybenzene)) (CAS No. 72-43-5)
20. Toxaphene (CAS No. 8001-35-2)

IV. Phenoxyacetic Acid Herbicides

1. 2,4-Dichlorophenoxyacetic acid (CAS No. 94-75-7)
2. Silvex (2-(2,4,5-trichlorophenoxy)propionic acid) (CAS No. 93-72-1)
3. 2,4,5-T (2,4,5-trichlorophenoxyacetic acid) (CAS No. 93-76-5)

V. PCBs

1. Aroclor 1016 (CAS No. 12674-11-2)
2. Aroclor 1221 (CAS No. 11104-28-2)
3. Aroclor 1232 (CAS No. 11141-16-5)
4. Aroclor 1242 (CAS No. 53469-21-9)
5. Aroclor 1248 (CAS No. 12672-29-6)
6. Aroclor 1254 (CAS No. 11097-69-1)
7. Aroclor 1260 (CAS No. 11096-82-5)
8. PCBs not otherwise specified (CAS No. 1336-36-3)

VI. Dioxins and Furans

1. Hexachlorodibenzo-p-dioxins (CAS No. 34465-46-8)
2. Hexachlorodibenzofuran (CAS No. 55684-94-1)
3. Pentachlorodibenzo-p-dioxins (CAS No. 36088-22-9)
4. Pentachlorodibenzofuran (CAS No. 30402-15-4)
5. Tetrachlorodibenzo-p-dioxins (CAS No. 41903-57-5)
6. Tetrachlorodibenzofuran (CAS No. 30402-14-3; 55722-27-5)
7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-tetrachlorodibenzo[b,e][1,4]dioxin) (CAS No. 1746-01-6)

BOARD NOTE: Derived from appendix III to 40 CFR 268 (2015).

(Source: Amended at 40 Ill. Reg. 12052, effective August 9, 2016)

Section 728.APPENDIX D Wastes Excluded from Lab Packs

Hazardous waste with the following USEPA hazardous waste numbers may not be placed in lab packs under the alternative lab pack treatment standards of Section 728.142(c): D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.

BOARD NOTE: 35 Ill. Adm. Code 729.301 and 729.312 include additional limitations on the use of lab packs.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.Appendix E Organic Lab Packs (Repealed)

(Source: Repealed at 19 Ill. Reg. 9660, effective June 27, 1995)

Section 728.APPENDIX F Technologies to Achieve Deactivation of Characteristics

The treatment standard for many characteristic wastes is stated in Table T, entitled "Treatment Standards for Hazardous Wastes", as "DEACT and meet Section 728.148 standards". USEPA has determined that many technologies, when used alone or in combination, can achieve the deactivation portion of the treatment standard. Characteristic wastes that are not managed in a facility regulated by the CWA or in a CWA-equivalent facility, and that also contain underlying hazardous constituents (see Section 728.102(i)) must be treated not only by a "deactivating" technology to remove the characteristic, but also to achieve the universal treatment standards (UTS) for underlying hazardous constituents. This Appendix F presents a partial list of technologies, utilizing the five letter technology codes established in Table C, that may be useful in meeting the treatment standard. Use of these specific technologies is not mandatory and does not preclude direct reuse, recovery or the use of other pretreatment technologies, provided deactivation is achieved and underlying hazardous constituents are treated to achieve the UTS.

USEPA hazardous waste number/subcategory	Nonwastewaters	Wastewaters
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)—Low TOC Nonwastewater Subcategory (containing one percent to <10 percent TOC)	RORGS WETOX INCIN CHOXD BIODG	n.a.
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)—Ignitable Wastewater Subcategory (containing <one percent TOC)	n.a.	WETOX RORGS INCIN CHOXD BIODG
D001 Compressed Gases based on 35 Ill. Adm. Code 721.121(a)(3)	RCGAS FSUBS INCIN ADGAS fb. INCIN ADGAS fb. (CHOXD; or CHRED)	n.a.
D001 Ignitable Reactives based on 35 Ill. Adm. Code 721.121(a)(2)	WTRRX CHOXD CHRED STABL INCIN	n.a.
D001 Ignitable Oxidizers based on 35 Ill. Adm. Code 721.121(a)(4)	CHRED INCIN	CHRED INCIN

D002 Acid Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH less than or equal to two	RCORR NEUTR INCIN	NEUTR INCIN
D002 Alkaline Subcategory based on 35 Ill. Adm. Code 721.122(a)(1) with pH greater than or equal to 12.5	NEUTR INCIN	NEUTR INCIN
D002 Other Corrosives based on 35 Ill. Adm. Code 721.122(a)(2)	CHOXD CHRED INCIN STABL	CHOXD CHRED INCIN
D003 Water Reactives based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4)	INCIN WTRRX CHOXD CHRED	n.a.
D003 Reactive Sulfides based on 35 Ill. Adm. Code 721.123(a)(5)	CHOXD CHRED INCIN STABL	CHOXD CHRED BIODG INCIN
D003 Explosives based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8)	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN
D003 Other Reactives based on 35 Ill. Adm. Code 721.123(a)(1)	INCIN CHOXD CHRED	INCIN CHOXD CHRED BIODG CARBN
K044 Wastewater treatment sludges from the manufacturing and processing of explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN
K045 Spent carbon from the treatment of wastewaters containing explosives	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN

K047 Pink/red water from TNT operations	CHOXD CHRED INCIN	CHOXD CHRED BIODG CARBN INCIN

Note: "n.a." stands for "not applicable".

"fb." stands for "followed by".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.APPENDIX G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS) REGULATED IN THE LDRS[a]—COMPREHENSIVE LIST

Waste code	Waste category	Effective date
D001[c]	All (except High TOC Ignitable Liquids)	August 9, 1993
D001	High TOC Ignitable Liquids	August 8, 1990
D002[c]	All	August 9, 1993
D003[e]	Newly identified surface-disposed elemental phosphorus processing wastes	May 26, 2000
D004	Newly identified D004 and mineral processing wastes	August 24, 1998
D004	Mixed radioactive/newly identified D004 or mineral processing wastes	May 26, 2000
D005	Newly identified D005 and mineral processing wastes	August 24, 1998
D005	Mixed radioactive/newly identified D005 or mineral processing wastes	May 26, 2000
D006	Newly identified D006 and mineral processing wastes	August 24, 1998
D006	Mixed radioactive/newly identified D006 or mineral processing wastes	May 26, 2000
D007	Newly identified D007 and mineral processing wastes	August 24, 1998
D007	Mixed radioactive/newly identified D007or mineral processing wastes	May 26, 2000
D008	Newly identified D008 and mineral processing waste	August 24, 1998
D008	Mixed radioactive/newly identified D008 or mineral processing wastes	May 26, 2000

D009	Newly identified D009 and mineral processing waste	August 24, 1998
D009	Mixed radioactive/newly identified D009or mineral processing wastes	May 26, 2000
D010	Newly identified D010 and mineral processing wastes	August 24, 1998
D010	Mixed radioactive/newly identified D010 or mineral processing wastes	May 26, 2000
D011	Newly identified D011 and mineral processing wastes	August 24, 1998
D011	Mixed radioactive/newly identified D011or mineral processing wastes	May 26, 2000
D012 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D013 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D014 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D015 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D016 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D017 (that exhibit the toxicity characteristic based on the TCLP)[d]	All	December 14, 1994
D018	Mixed with radioactive wastes	September 19, 1996
D018	All others	December 19, 1994
D019	Mixed with radioactive wastes	September 19, 1996
D019	All others	December 19, 1994
D020	Mixed with radioactive wastes	September 19, 1996
D020	All others	December 19, 1994
D021	Mixed with radioactive wastes	September 19, 1996
D021	All others	December 19, 1994
D022	Mixed with radioactive wastes	September 19, 1996
D022	All others	December 19, 1994
D023	Mixed with radioactive wastes	September 19, 1996
D023	All others	December 19, 1994
D024	Mixed with radioactive wastes	September 19, 1996
D024	All others	December 19, 1994
D025	Mixed with radioactive wastes	September 19, 1996
D025	All others	December 19, 1994

D026	Mixed with radioactive wastes	September 19, 1996
D026	All others	December 19, 1994
D027	Mixed with radioactive wastes	September 19, 1996
D027	All others	December 19, 1994
D028	Mixed with radioactive wastes	September 19, 1996
D028	All others	December 19, 1994
D029	Mixed with radioactive wastes	September 19, 1996
D029	All others	December 19, 1994
D030	Mixed with radioactive wastes	September 19, 1996
D030	All others	December 19, 1994
D031	Mixed with radioactive wastes	September 19, 1996
D031	All others	December 19, 1994
D032	Mixed with radioactive wastes	September 19, 1996
D032	All others	December 19, 1994
D033	Mixed with radioactive wastes	September 19, 1996
D033	All others	December 19, 1994
D034	Mixed with radioactive wastes	September 19, 1996
D034	All others	December 19, 1994
D035	Mixed with radioactive wastes	September 19, 1996
D035	All others	December 19, 1994
D036	Mixed with radioactive wastes	September 19, 1996
D036	All others	December 19, 1994
D037	Mixed with radioactive wastes	September 19, 1996
D037	All others	December 19, 1994
D038	Mixed with radioactive wastes	September 19, 1996
D038	All others	December 19, 1994
D039	Mixed with radioactive wastes	September 19, 1996
D039	All others	December 19, 1994
D040	Mixed with radioactive wastes	September 19, 1996
D040	All others	December 19, 1994
D041	Mixed with radioactive wastes	September 19, 1996
D041	All others	December 19, 1994
D042	Mixed with radioactive wastes	September 19, 1996
D042	All others	December 19, 1994
D043	Mixed with radioactive wastes	September 19, 1996
D043	All others	December 19, 1994
F001	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F001	All others	November 8, 1986
F002 (1,1,2-trichloroethane)	Wastewater and Nonwastewater	August 8, 1990
F002	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988

F002	All others	November 8, 1986
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F003	All others	November 8, 1986
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F004	All others	November 8, 1986
F005 (benzene, 2-ethoxy ethanol, 2-nitropropane)	Wastewater and Nonwastewater	August 8, 1990
F005	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	November 8, 1988
F005	All others	November 8, 1986
F006	Wastewater	August 8, 1990
F006	Nonwastewater	August 8, 1988
F006 (cyanides)	Nonwastewater	July 8, 1989
F007	All	July 8, 1989
F008	All	July 8, 1989
F009	All	July 8, 1989
F010	All	June 8, 1989
F011 (cyanides)	Nonwastewater	December 8, 1989
F011	All others	July 8, 1989
F012 (cyanides)	Nonwastewater	December 8, 1989
F012	All others	July 8, 1989
F019	All	August 8, 1990
F020	All	November 8, 1988
F021	All	November 8, 1988
F025	All	August 8, 1990
F026	All	November 8, 1988
F027	All	November 8, 1988
F028	All	November 8, 1988
F032	Mixed with radioactive wastes	May 12, 1999
F032	All others	August 12, 1997
F034	Mixed with radioactive wastes	May 12, 1999
F034	All others	August 12, 1997
F035	Mixed with radioactive wastes	May 12, 1999
F035	All others	August 12, 1997
F037	Not generated from surface impoundment cleanouts or closures	June 30, 1993
F037	Generated from surface impoundment cleanouts or closures	June 30, 1994

F037	Mixed with radioactive wastes	June 30, 1994
F038	Not generated from surface impoundment cleanouts or closures	June 30, 1993
F038	Generated from surface impoundment cleanouts or closures	June 30, 1994
F038	Mixed with radioactive wastes	June 30, 1994
F039	Wastewater	August 8, 1990
F039	Nonwastewater	May 8, 1992
K001 (organics)[b]	All	August 8, 1988
K001	All others	August 8, 1988
K002	All	August 8, 1990
K003	All	August 8, 1990
K004	Wastewater	August 8, 1990
K004	Nonwastewater	August 8, 1988
K005	Wastewater	August 8, 1990
K005	Nonwastewater	June 8, 1989
K006	All	August 8, 1990
K007	Wastewater	August 8, 1990
K007	Nonwastewater	June 8, 1989
K008	Wastewater	August 8, 1990
K008	Nonwastewater	August 8, 1988
K009	All	June 8, 1989
K010	All	June 8, 1989
K011	Wastewater	August 8, 1990
K011	Nonwastewater	June 8, 1989
K013	Wastewater	August 8, 1990
K013	Nonwastewater	June 8, 1989
K014	Wastewater	August 8, 1990
K014	Nonwastewater	June 8, 1989
K015	Wastewater	August 8, 1988
K015	Nonwastewater	August 8, 1990
K016	All	August 8, 1988
K017	All	August 8, 1990
K018	All	August 8, 1988
K019	All	August 8, 1988
K020	All	August 8, 1988
K021	Wastewater	August 8, 1990
K021	Nonwastewater	August 8, 1988
K022	Wastewater	August 8, 1990
K022	Nonwastewater	August 8, 1988
K023	All	June 8, 1989
K024	All	August 8, 1988
K025	Wastewater	August 8, 1990
K025	Nonwastewater	August 8, 1988
K026	All	August 8, 1990
K027	All	June 8, 1989

K028 (metals)	Nonwastewater	August 8, 1990
K028	All others	June 8, 1989
K029	Wastewater	August 8, 1990
K029	Nonwastewater	June 8, 1989
K030	All	August 8, 1988
K031	Wastewater	August 8, 1990
K031	Nonwastewater	May 8, 1992
K032	All	August 8, 1990
K033	All	August 8, 1990
K034	All	August 8, 1990
K035	All	August 8, 1990
K036	Wastewater	June 8, 1989
K036	Nonwastewater	August 8, 1988
K037[b]	Wastewater	August 8, 1988
K037	Nonwastewater	August 8, 1988
K038	All	June 8, 1989
K039	All	June 8, 1989
K040	All	June 8, 1989
K041	All	August 8, 1990
K042	All	August 8, 1990
K043	All	June 8, 1989
K044	All	August 8, 1988
K045	All	August 8, 1988
K046 (Nonreactive)	Nonwastewater	August 8, 1988
K046	All others	August 8, 1990
K047	All	August 8, 1988
K048	Wastewater	August 8, 1990
K048	Nonwastewater	November 8, 1990
K049	Wastewater	August 8, 1990
K049	Nonwastewater	November 8, 1990
K050	Wastewater	August 8, 1990
K050	Nonwastewater	November 8, 1990
K051	Wastewater	August 8, 1990
K051	Nonwastewater	November 8, 1990
K052	Wastewater	August 8, 1990
K052	Nonwastewater	November 8, 1990
K060	Wastewater	August 8, 1990
K060	Nonwastewater	August 8, 1988
K061	Wastewater	August 8, 1990
K061	Nonwastewater	June 30, 1992
K062	All	August 8, 1988
K069 (non-calcium sulfate)	Nonwastewater	August 8, 1988
K069	All others	August 8, 1990
K071	All	August 8, 1990
K073	All	August 8, 1990
K083	All	August 8, 1990

K084	Wastewater	August 8, 1990
K084	Nonwastewater	May 8, 1992
K085	All	August 8, 1990
K086 (organics)[b]	All	August 8, 1988
K086	All others	August 8, 1988
K087	All	August 8, 1988
K088	All others	October 8, 1997
K088	All others	January 8, 1997
K093	All	June 8, 1989
K094	All	June 8, 1989
K095	Wastewater	August 8, 1990
K095	Nonwastewater	June 8, 1989
K096	Wastewater	August 8, 1990
K096	Nonwastewater	June 8, 1989
K097	All	August 8, 1990
K098	All	August 8, 1990
K099	All	August 8, 1988
K100	Wastewater	August 8, 1990
K100	Nonwastewater	August 8, 1988
K101 (organics)	Wastewater	August 8, 1988
K101 (metals)	Wastewater	August 8, 1990
K101 (organics)	Nonwastewater	August 8, 1988
K101 (metals)	Nonwastewater	May 8, 1992
K102 (organics)	Wastewater	August 8, 1988
K102 (metals)	Wastewater	August 8, 1990
K102 (organics)	Nonwastewater	August 8, 1988
K102 (metals)	Nonwastewater	May 8, 1992
K103	All	August 8, 1988
K104	All	August 8, 1988
K105	All	August 8, 1990
K106	Wastewater	August 8, 1990
K106	Nonwastewater	May 8, 1992
K107	Mixed with radioactive wastes	June 30, 1994
K107	All others	November 9, 1992
K108	Mixed with radioactive wastes	June 30, 1994
K108	All others	November 9, 1992
K109	Mixed with radioactive wastes	June 30, 1994
K109	All others	November 9, 1992
K110	Mixed with radioactive wastes	June 30, 1994
K110	All others	November 9, 1992
K111	Mixed with radioactive wastes	June 30, 1994
K111	All others	November 9, 1992
K112	Mixed with radioactive wastes	June 30, 1994
K112	All others	November 9, 1992
K113	All	June 8, 1989
K114	All	June 8, 1989

K115	All	June 8, 1989
K116	All	June 8, 1989
K117	Mixed with radioactive wastes	June 30, 1994
K117	All others	November 9, 1992
K118	Mixed with radioactive wastes	June 30, 1994
K118	All others	November 9, 1992
K123	Mixed with radioactive wastes	June 30, 1994
K123	All others	November 9, 1992
K124	Mixed with radioactive wastes	June 30, 1994
K124	All others	November 9, 1992
K125	Mixed with radioactive wastes	June 30, 1994
K125	All others	November 9, 1992
K126	Mixed with radioactive wastes	June 30, 1994
K126	All others	November 9, 1992
K131	Mixed with radioactive wastes	June 30, 1994
K131	All others	November 9, 1992
K132	Mixed with radioactive wastes	June 30, 1994
K132	All others	November 9, 1992
K136	Mixed with radioactive wastes	June 30, 1994
K136	All others	November 9, 1992
K141	Mixed with radioactive wastes	September 19, 1996
K141	All others	December 19, 1994
K142	Mixed with radioactive wastes	September 19, 1996
K142	All others	December 19, 1994
K143	Mixed with radioactive wastes	September 19, 1996
K143	All others	December 19, 1994
K144	Mixed with radioactive wastes	September 19, 1996
K144	All others	December 19, 1994
K145	Mixed with radioactive wastes	September 19, 1996
K145	All others	December 19, 1994
K147	Mixed with radioactive wastes	September 19, 1996
K147	All others	December 19, 1994
K148	Mixed with radioactive wastes	September 19, 1996
K148	All others	December 19, 1994
K149	Mixed with radioactive wastes	September 19, 1996
K149	All others	December 19, 1994
K150	Mixed with radioactive wastes	September 19, 1996
K150	All others	December 19, 1994
K151	Mixed with radioactive wastes	September 19, 1996
K151	All others	December 19, 1994
K156	Mixed with radioactive wastes	April 8, 1998
K156	All others	July 8, 1996
K157	Mixed with radioactive wastes	April 8, 1998
K157	All others	July 8, 1996
K158	Mixed with radioactive wastes	April 8, 1998
K158	All others	July 8, 1996

K159	Mixed with radioactive wastes	April 8, 1998
K159	All others	July 8, 1996
K160	Mixed with radioactive wastes	April 8, 1998
K160	All others	July 8, 1996
K161	Mixed with radioactive wastes	April 8, 1998
K161	All others	July 8, 1996
K169	All	February 8, 1999
K170	All	February 8, 1999
K171	All	February 8, 1999
K172	All	February 8, 1999
K174	All	May 7, 2001
K175	All	May 7, 2001
K176	All	May 20, 2002
K177	All	May 20, 2002
K178	All	May 20, 2002
K181	All	August 23, 2005
P001	All	August 8, 1990
P002	All	August 8, 1990
P003	All	August 8, 1990
P004	All	August 8, 1990
P005	All	August 8, 1990
P006	All	August 8, 1990
P007	All	August 8, 1990
P008	All	August 8, 1990
P009	All	August 8, 1990
P010	Wastewater	August 8, 1990
P010	Nonwastewater	May 8, 1992
P011	Wastewater	August 8, 1990
P011	Nonwastewater	May 8, 1992
P012	Wastewater	August 8, 1990
P012	Nonwastewater	May 8, 1992
P013 (barium)	Nonwastewater	August 8, 1990
P013	All others	June 8, 1989
P014	All	August 8, 1990
P015	All	August 8, 1990
P016	All	August 8, 1990
P017	All	August 8, 1990
P018	All	August 8, 1990
P020	All	August 8, 1990
P021	All	June 8, 1989
P022	All	August 8, 1990
P023	All	August 8, 1990
P024	All	August 8, 1990
P026	All	August 8, 1990
P027	All	August 8, 1990
P028	All	August 8, 1990

P029	All	June 8, 1989
P030	All	June 8, 1989
P031	All	August 8, 1990
P033	All	August 8, 1990
P034	All	August 8, 1990
P036	Wastewater	August 8, 1990
P036	Nonwastewater	May 8, 1992
P037	All	August 8, 1990
P038	Wastewater	August 8, 1990
P038	Nonwastewater	May 8, 1992
P039	All	June 8, 1989
P040	All	June 8, 1989
P041	All	June 8, 1989
P042	All	August 8, 1990
P043	All	June 8, 1989
P044	All	June 8, 1989
P045	All	August 8, 1990
P046	All	August 8, 1990
P047	All	August 8, 1990
P048	All	August 8, 1990
P049	All	August 8, 1990
P050	All	August 8, 1990
P051	All	August 8, 1990
P054	All	August 8, 1990
P056	All	August 8, 1990
P057	All	August 8, 1990
P058	All	August 8, 1990
P059	All	August 8, 1990
P060	All	August 8, 1990
P062	All	June 8, 1989
P063	All	June 8, 1989
P064	All	August 8, 1990
P065	Wastewater	August 8, 1990
P065	Nonwastewater	May 8, 1992
P066	All	August 8, 1990
P067	All	August 8, 1990
P068	All	August 8, 1990
P069	All	August 8, 1990
P070	All	August 8, 1990
P071	All	June 8, 1989
P072	All	August 8, 1990
P073	All	August 8, 1990
P074	All	June 8, 1989
P075	All	August 8, 1990
P076	All	August 8, 1990
P077	All	August 8, 1990

P078	All	August 8, 1990
P081	All	August 8, 1990
P082	All	August 8, 1990
P084	All	August 8, 1990
P085	All	June 8, 1989
P087	All	May 8, 1992
P088	All	August 8, 1990
P089	All	June 8, 1989
P092	Wastewater	August 8, 1990
P092	Nonwastewater	May 8, 1992
P093	All	August 8, 1990
P094	All	June 8, 1989
P095	All	August 8, 1990
P096	All	August 8, 1990
P097	All	June 8, 1989
P098	All	June 8, 1989
P099 (silver)	Wastewater	August 8, 1990
P099	All others	June 8, 1989
P101	All	August 8, 1990
P102	All	August 8, 1990
P103	All	August 8, 1990
P104 (silver)	Wastewater	August 8, 1990
P104	All others	June 8, 1989
P105	All	August 8, 1990
P106	All	June 8, 1989
P108	All	August 8, 1990
P109	All	June 8, 1989
P110	All	August 8, 1990
P111	All	June 8, 1989
P112	All	August 8, 1990
P113	All	August 8, 1990
P114	All	August 8, 1990
P115	All	August 8, 1990
P116	All	August 8, 1990
P118	All	August 8, 1990
P119	All	August 8, 1990
P120	All	August 8, 1990
P121	All	June 8, 1989
P122	All	August 8, 1990
P123	All	August 8, 1990
P127	Mixed with radioactive wastes	April 8, 1998
P127	All others	July 8, 1996
P128	Mixed with radioactive wastes	April 8, 1998
P128	All others	July 8, 1996
P185	Mixed with radioactive wastes	April 8, 1998
P185	All others	July 8, 1996

P188	Mixed with radioactive wastes	April 8, 1998
P188	All others	July 8, 1996
P189	Mixed with radioactive wastes	April 8, 1998
P189	All others	July 8, 1996
P190	Mixed with radioactive wastes	April 8, 1998
P190	All others	July 8, 1996
P191	Mixed with radioactive wastes	April 8, 1998
P191	All others	July 8, 1996
P192	Mixed with radioactive wastes	April 8, 1998
P192	All others	July 8, 1996
P194	Mixed with radioactive wastes	April 8, 1998
P194	All others	July 8, 1996
P196	Mixed with radioactive wastes	April 8, 1998
P196	All others	July 8, 1996
P197	Mixed with radioactive wastes	April 8, 1998
P197	All others	July 8, 1996
P198	Mixed with radioactive wastes	April 8, 1998
P198	All others	July 8, 1996
P199	Mixed with radioactive wastes	April 8, 1998
P199	All others	July 8, 1996
P201	Mixed with radioactive wastes	April 8, 1998
P201	All others	July 8, 1996
P202	Mixed with radioactive wastes	April 8, 1998
P202	All others	July 8, 1996
P203	Mixed with radioactive wastes	April 8, 1998
P203	All others	July 8, 1996
P204	Mixed with radioactive wastes	April 8, 1998
P204	All others	July 8, 1996
P205	Mixed with radioactive wastes	April 8, 1998
P205	All others	July 8, 1996
U001	All	August 8, 1990
U002	All	August 8, 1990
U003	All	August 8, 1990
U004	All	August 8, 1990
U005	All	August 8, 1990
U006	All	August 8, 1990
U007	All	August 8, 1990
U008	All	August 8, 1990
U009	All	August 8, 1990
U010	All	August 8, 1990
U011	All	August 8, 1990
U012	All	August 8, 1990
U014	All	August 8, 1990
U015	All	August 8, 1990
U016	All	August 8, 1990
U017	All	August 8, 1990

U018	All	August 8, 1990
U019	All	August 8, 1990
U020	All	August 8, 1990
U021	All	August 8, 1990
U022	All	August 8, 1990
U023	All	August 8, 1990
U024	All	August 8, 1990
U025	All	August 8, 1990
U026	All	August 8, 1990
U027	All	August 8, 1990
U028	All	June 8, 1989
U029	All	August 8, 1990
U030	All	August 8, 1990
U031	All	August 8, 1990
U032	All	August 8, 1990
U033	All	August 8, 1990
U034	All	August 8, 1990
U035	All	August 8, 1990
U036	All	August 8, 1990
U037	All	August 8, 1990
U038	All	August 8, 1990
U039	All	August 8, 1990
U041	All	August 8, 1990
U042	All	August 8, 1990
U043	All	August 8, 1990
U044	All	August 8, 1990
U045	All	August 8, 1990
U046	All	August 8, 1990
U047	All	August 8, 1990
U048	All	August 8, 1990
U049	All	August 8, 1990
U050	All	August 8, 1990
U051	All	August 8, 1990
U052	All	August 8, 1990
U053	All	August 8, 1990
U055	All	August 8, 1990
U056	All	August 8, 1990
U057	All	August 8, 1990
U058	All	June 8, 1989
U059	All	August 8, 1990
U060	All	August 8, 1990
U061	All	August 8, 1990
U062	All	August 8, 1990
U063	All	August 8, 1990
U064	All	August 8, 1990
U066	All	August 8, 1990

U067	All	August 8, 1990
U068	All	August 8, 1990
U069	All	June 30, 1992
U070	All	August 8, 1990
U071	All	August 8, 1990
U072	All	August 8, 1990
U073	All	August 8, 1990
U074	All	August 8, 1990
U075	All	August 8, 1990
U076	All	August 8, 1990
U077	All	August 8, 1990
U078	All	August 8, 1990
U079	All	August 8, 1990
U080	All	August 8, 1990
U081	All	August 8, 1990
U082	All	August 8, 1990
U083	All	August 8, 1990
U084	All	August 8, 1990
U085	All	August 8, 1990
U086	All	August 8, 1990
U087	All	June 8, 1989
U088	All	June 8, 1989
U089	All	August 8, 1990
U090	All	August 8, 1990
U091	All	August 8, 1990
U092	All	August 8, 1990
U093	All	August 8, 1990
U094	All	August 8, 1990
U095	All	August 8, 1990
U096	All	August 8, 1990
U097	All	August 8, 1990
U098	All	August 8, 1990
U099	All	August 8, 1990
U101	All	August 8, 1990
U102	All	June 8, 1989
U103	All	August 8, 1990
U105	All	August 8, 1990
U106	All	August 8, 1990
U107	All	June 8, 1989
U108	All	August 8, 1990
U109	All	August 8, 1990
U110	All	August 8, 1990
U111	All	August 8, 1990
U112	All	August 8, 1990
U113	All	August 8, 1990
U114	All	August 8, 1990

U115	All	August 8, 1990
U116	All	August 8, 1990
U117	All	August 8, 1990
U118	All	August 8, 1990
U119	All	August 8, 1990
U120	All	August 8, 1990
U121	All	August 8, 1990
U122	All	August 8, 1990
U123	All	August 8, 1990
U124	All	August 8, 1990
U125	All	August 8, 1990
U126	All	August 8, 1990
U127	All	August 8, 1990
U128	All	August 8, 1990
U129	All	August 8, 1990
U130	All	August 8, 1990
U131	All	August 8, 1990
U132	All	August 8, 1990
U133	All	August 8, 1990
U134	All	August 8, 1990
U135	All	August 8, 1990
U136	Wastewater	August 8, 1990
U136	Nonwastewater	May 8, 1992
U137	All	August 8, 1990
U138	All	August 8, 1990
U140	All	August 8, 1990
U141	All	August 8, 1990
U142	All	August 8, 1990
U143	All	August 8, 1990
U144	All	August 8, 1990
U145	All	August 8, 1990
U146	All	August 8, 1990
U147	All	August 8, 1990
U148	All	August 8, 1990
U149	All	August 8, 1990
U150	All	August 8, 1990
U151	Wastewater	August 8, 1990
U151	Nonwastewater	May 8, 1992
U152	All	August 8, 1990
U153	All	August 8, 1990
U154	All	August 8, 1990
U155	All	August 8, 1990
U156	All	August 8, 1990
U157	All	August 8, 1990
U158	All	August 8, 1990
U159	All	August 8, 1990

U160	All	August 8, 1990
U161	All	August 8, 1990
U162	All	August 8, 1990
U163	All	August 8, 1990
U164	All	August 8, 1990
U165	All	August 8, 1990
U166	All	August 8, 1990
U167	All	August 8, 1990
U168	All	August 8, 1990
U169	All	August 8, 1990
U170	All	August 8, 1990
U171	All	August 8, 1990
U172	All	August 8, 1990
U173	All	August 8, 1990
U174	All	August 8, 1990
U176	All	August 8, 1990
U177	All	August 8, 1990
U178	All	August 8, 1990
U179	All	August 8, 1990
U180	All	August 8, 1990
U181	All	August 8, 1990
U182	All	August 8, 1990
U183	All	August 8, 1990
U184	All	August 8, 1990
U185	All	August 8, 1990
U186	All	August 8, 1990
U187	All	August 8, 1990
U188	All	August 8, 1990
U189	All	August 8, 1990
U190	All	June 8, 1989
U191	All	August 8, 1990
U192	All	August 8, 1990
U193	All	August 8, 1990
U194	All	June 8, 1989
U196	All	August 8, 1990
U197	All	August 8, 1990
U200	All	August 8, 1990
U201	All	August 8, 1990
U203	All	August 8, 1990
U204	All	August 8, 1990
U205	All	August 8, 1990
U206	All	August 8, 1990
U207	All	August 8, 1990
U208	All	August 8, 1990
U209	All	August 8, 1990
U210	All	August 8, 1990

U211	All	August 8, 1990
U213	All	August 8, 1990
U214	All	August 8, 1990
U215	All	August 8, 1990
U216	All	August 8, 1990
U217	All	August 8, 1990
U218	All	August 8, 1990
U219	All	August 8, 1990
U220	All	August 8, 1990
U221	All	June 8, 1989
U222	All	August 8, 1990
U223	All	June 8, 1989
U225	All	August 8, 1990
U226	All	August 8, 1990
U227	All	August 8, 1990
U228	All	August 8, 1990
U234	All	August 8, 1990
U235	All	June 8, 1989
U236	All	August 8, 1990
U237	All	August 8, 1990
U238	All	August 8, 1990
U239	All	August 8, 1990
U240	All	August 8, 1990
U243	All	August 8, 1990
U244	All	August 8, 1990
U246	All	August 8, 1990
U247	All	August 8, 1990
U248	All	August 8, 1990
U249	All	August 8, 1990
U271	Mixed with radioactive wastes	April 8, 1998
U271	All others	July 8, 1996
U277	Mixed with radioactive wastes	April 8, 1998
U277	All others	July 8, 1996
U278	Mixed with radioactive wastes	April 8, 1998
U278	All others	July 8, 1996
U279	Mixed with radioactive wastes	April 8, 1998
U279	All others	July 8, 1996
U280	Mixed with radioactive wastes	April 8, 1998
U280	All others	July 8, 1996
U328	Mixed with radioactive wastes	June 30, 1994
U328	All others	November 9, 1992
U353	Mixed with radioactive wastes	June 30, 1994
U353	All others	November 9, 1992
U359	Mixed with radioactive wastes	June 30, 1994
U359	All others	November 9, 1992
U364	Mixed with radioactive wastes	April 8, 1998

U364	All others	July 8, 1996
U365	Mixed with radioactive wastes	April 8, 1998
U365	All others	July 8, 1996
U366	Mixed with radioactive wastes	April 8, 1998
U366	All others	July 8, 1996
U367	Mixed with radioactive wastes	April 8, 1998
U367	All others	July 8, 1996
U372	Mixed with radioactive wastes	April 8, 1998
U372	All others	July 8, 1996
U373	Mixed with radioactive wastes	April 8, 1998
U373	All others	July 8, 1996
U375	Mixed with radioactive wastes	April 8, 1998
U375	All others	July 8, 1996
U376	Mixed with radioactive wastes	April 8, 1998
U376	All others	July 8, 1996
U377	Mixed with radioactive wastes	April 8, 1998
U377	All others	July 8, 1996
U378	Mixed with radioactive wastes	April 8, 1998
U378	All others	July 8, 1996
U379	Mixed with radioactive wastes	April 8, 1998
U379	All others	July 8, 1996
U381	Mixed with radioactive wastes	April 8, 1998
U381	All others	July 8, 1996
U382	Mixed with radioactive wastes	April 8, 1998
U382	All others	July 8, 1996
U383	Mixed with radioactive wastes	April 8, 1998
U383	All others	July 8, 1996
U384	Mixed with radioactive wastes	April 8, 1998
U384	All others	July 8, 1996
U385	Mixed with radioactive wastes	April 8, 1998
U385	All others	July 8, 1996
U386	Mixed with radioactive wastes	April 8, 1998
U386	All others	July 8, 1996
U387	Mixed with radioactive wastes	April 8, 1998
U387	All others	July 8, 1996
U389	Mixed with radioactive wastes	April 8, 1998
U389	All others	July 8, 1996
U390	Mixed with radioactive wastes	April 8, 1998
U390	All others	July 8, 1996
U391	Mixed with radioactive wastes	April 8, 1998
U391	All others	July 8, 1996
U392	Mixed with radioactive wastes	April 8, 1998
U392	All others	July 8, 1996
U393	Mixed with radioactive wastes	April 8, 1998
U393	All others	July 8, 1996
U394	Mixed with radioactive wastes	April 8, 1998

U394	All others	July 8, 1996
U395	Mixed with radioactive wastes	April 8, 1998
U395	All others	July 8, 1996
U396	Mixed with radioactive wastes	April 8, 1998
U396	All others	July 8, 1996
U400	Mixed with radioactive wastes	April 8, 1998
U400	All others	July 8, 1996
U401	Mixed with radioactive wastes	April 8, 1998
U401	All others	July 8, 1996
U402	Mixed with radioactive wastes	April 8, 1998
U402	All others	July 8, 1996
U403	Mixed with radioactive wastes	April 8, 1998
U403	All others	July 8, 1996
U404	Mixed with radioactive wastes	April 8, 1998
U404	All others	July 8, 1996
U407	Mixed with radioactive wastes	April 8, 1998
U407	All others	July 8, 1996
U409	Mixed with radioactive wastes	April 8, 1998
U409	All others	July 8, 1996
U410	Mixed with radioactive wastes	April 8, 1998
U410	All others	July 8, 1996
U411	Mixed with radioactive wastes	April 8, 1998
U411	All others	July 8, 1996

[a] This table also does not include contaminated soil and debris wastes.

[b] The standard was revised in the Third Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990), which the Board adopted in docket R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991.

[c] USEPA amended the standard in the Third Third Emergency Rule (at 58 Fed. Reg. 29860 (May 24, 1993), which the Board adopted in docket R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994); the original effective date was August 8, 1990.

[d] The standard was revised in the Phase II Final Rule (that USEPA adopted at 59 Fed. Reg. 47982 (September 19, 1994), which the Board adopted in docket R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995); the original effective date was August 8, 1990.

[e] The standards for selected reactive wastes was revised in the Phase III Final Rule (that USEPA adopted at 61 Fed. Reg. 15566 (April 8, 1996), which the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) at 22 Ill. Reg. 783, effective December 16, 1997); the original effective date was August 8, 1990.

TABLE 2
SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS FOR CONTAMINATED SOIL AND DEBRIS (CSD)

Restricted hazardous waste in CSD	Effective date
1. Solvent- (F001-F005) and dioxin- (F020-F023 and F026-F028) containing soil and debris from CERCLA response or RCRA corrective actions.	November 8, 1990
2. Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than one percent total solvents (F001-F005) or dioxins (F020-F023 and F026-F028).	November 8, 1988
3. All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.	August 8, 1990
4. All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.	June 8, 1991
5. All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes that had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.	May 8, 1992
6. Soil and debris contaminated with D012-D043, K141-K145, and K147-151 wastes.	December 19, 1994
7. Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359.	December 19, 1994
8. Soil and debris contaminated with K156- K161, P127, P128, P188-P192, P194, P196- P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.	July 8, 1996
9. Soil and debris contaminated with K088 wastes.	October 8, 1997
10. Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.	April 8, 1998
11. Soil and debris contaminated with F032, F034, and F035.	May 12, 1997
12. Soil and debris contaminated with newly identified D004-D011 toxicity characteristic wastes and mineral processing wastes.	August 24, 1998
13. Soil and debris contaminated with mixed radioactive newly identified D011 characteristic wastes and mineral processing wastes.	May 26, 2000

BOARD NOTE: These tables are provided for the convenience of the reader.

(Source: Amended at 40 Ill. Reg. 12052, effective August 9, 2016)

Section 728.APPENDIX H National Capacity LDR Variances for UIC Wastes

See Note[a]

USEPA Hazardous Waste Number	Waste Category	Effective Date
D001 (except High TOC Ignitable Liquids Subcategory)[c]	All	February 10, 1994
D001 (High TOC Ignitable Characteristic Liquids Subcategory)	Nonwastewater	September 19, 1995
D002[b]	All	May 8, 1992
D002[c]	All	February 10, 1994
D003 (cyanides)	All	May 8, 1992
D003 (sulfides)	All	May 8, 1992
D003 (explosives, reactives)	All	May 8, 1992
D007	All	May 8, 1992
D009	Nonwastewater	May 8, 1992
D012	All	September 19, 1995
D013	All	September 19, 1995
D014	All	September 19, 1995
D015	All	September 19, 1995
D016	All	September 19, 1995
D017	All	September 19, 1995
D018	All, including mixed with radioactive wastes	April 8, 1998
D019	All, including mixed with radioactive wastes	April 8, 1998
D020	All, including mixed with radioactive wastes	April 8, 1998
D021	All, including mixed with radioactive wastes	April 8, 1998
D022	All, including mixed with radioactive wastes	April 8, 1998
D023	All, including mixed with radioactive wastes	April 8, 1998
D024	All, including mixed with radioactive wastes	April 8, 1998
D025	All, including mixed with radioactive wastes	April 8, 1998
D026	All, including mixed with radioactive wastes	April 8, 1998
D027	All, including mixed with radioactive wastes	April 8, 1998
D028	All, including mixed with radioactive wastes	April 8, 1998
D029	All, including mixed with radioactive wastes	April 8, 1998
D030	All, including mixed with radioactive wastes	April 8, 1998
D031	All, including mixed with radioactive wastes	April 8, 1998
D032	All, including mixed with radioactive wastes	April 8, 1998
D033	All, including mixed with radioactive wastes	April 8, 1998
D034	All, including mixed with radioactive wastes	April 8, 1998

D035	All, including mixed with radioactive wastes	April 8, 1998
D036	All, including mixed with radioactive wastes	April 8, 1998
D037	All, including mixed with radioactive wastes	April 8, 1998
D038	All, including mixed with radioactive wastes	April 8, 1998
D039	All, including mixed with radioactive wastes	April 8, 1998
D040	All, including mixed with radioactive wastes	April 8, 1998
D041	All, including mixed with radioactive wastes	April 8, 1998
D042	All, including mixed with radioactive wastes	April 8, 1998
D043	All, including mixed with radioactive wastes	April 8, 1998
F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	August 8, 1990
F007	All	June 8, 1991
F032	All, including mixed with radioactive wastes	May 12, 1999
F034	All, including mixed with radioactive wastes	May 12,1999
F035	All, including mixed with radioactive wastes	May 12, 1999
F037	All	November 8, 1992
F038	All	November 8, 1992
F039	Wastewater	May 8, 1992
K009	Wastewater	June 8, 1991
K011	Nonwastewater	June 8, 1991
K011	Wastewater	May 8, 1992
K013	Nonwastewater	June 8, 1991
K013	Wastewater	May 8, 1992
K014	All	May 8, 1992
K016 (dilute)	All	June 8, 1991
K049	All	August 8, 1990
K050	All	August 8, 1990
K051	All	August 8, 1990
K052	All	August 8, 1990
K062	All	August 8, 1990
K071	All	August 8, 1990
K088	All	January 8, 1997
K104	All	August 8, 1990
K107	All	November 8, 1992
K108	All	November 9, 1992
K109	All	November 9, 1992
K110	All	November 9, 1992
K111	All	November 9, 1992

K112	All	November 9, 1992
K117	All	June 30, 1995
K118	All	June 30, 1995
K123	All	November 9, 1992
K124	All	November 9, 1992
K125	All	November 9, 1992
K126	All	November 9, 1992
K131	All	June 30, 1995
K132	All	June 30, 1995
K136	All	November 9, 1992
K141	All	December 19, 1994
K142	All	December 19, 1994
K143	All	December 19, 1994
K144	All	December 19, 1994
K145	All	December 19, 1994
K147	All	December 19, 1994
K148	All	December 19, 1994
K149	All	December 19, 1994
K150	All	December 19, 1994
K151	All	December 19, 1994
K156	All	July 8, 1996
K157	All	July 8, 1996
K158	All	July 8, 1996
K159	All	July 8, 1996
K160	All	July 8, 1996
K161	All	July 8, 1996
NA	Newly identified mineral processing wastes from titanium dioxide production and mixed radioactive/newly identified D004-D011 characteristic wastes and mineral processing wastes	May 26, 2000

P127	All	July 8, 1996
P128	All	July 8, 1996
P185	All	July 8, 1996
P188	All	July 8, 1996
P189	All	July 8, 1996
P190	All	July 8, 1996
P191	All	July 8, 1996
P192	All	July 8, 1996
P194	All	July 8, 1996
P196	All	July 8, 1996
P197	All	July 8, 1996
P198	All	July 8, 1996
P199	All	July 8, 1996
P201	All	July 8, 1996
P202	All	July 8, 1996
P203	All	July 8, 1996
P204	All	July 8, 1996
P205	All	July 8, 1996
U271	All	July 8, 1996
U277	All	July 8, 1996
U278	All	July 8, 1996
U279	All	July 8, 1996
U280	All	July 8, 1996
U328	All	November 9, 1992
U353	All	November 9, 1992
U359	All	November 9, 1992
U364	All	July 8, 1996
U365	All	July 8, 1996
U366	All	July 8, 1996
U367	All	July 8, 1996
U372	All	July 8, 1996
U373	All	July 8, 1996
U375	All	July 8, 1996
U376	All	July 8, 1996
U377	All	July 8, 1996
U378	All	July 8, 1996
U379	All	July 8, 1996
U381	All	July 8, 1996
U382	All	July 8, 1996
U383	All	July 8, 1996
U384	All	July 8, 1996
U385	All	July 8, 1996
U386	All	July 8, 1996

U387	All	July 8, 1996
U389	All	July 8, 1996
U390	All	July 8, 1996
U391	All	July 8, 1996
U392	All	July 8, 1996
U395	All	July 8, 1996
U396	All	July 8, 1996
U400	All	July 8, 1996
U401	All	July 8, 1996
U402	All	July 8, 1996
U403	All	July 8, 1996
U404	All	July 8, 1996
U407	All	July 8, 1996
U409	All	July 8, 1996
U410	All	July 8, 1996
U411	All	July 8, 1996

[a] Wastes that are deep well disposed on-site receive a six-month variance, with restrictions, effective in November 1990.

[b] Deep well injected D002 liquids with a pH less than two must meet the California List treatment standards on August 8, 1990.

[c] Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.
BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.APPENDIX I EP Toxicity Test Method and Structural Integrity Test

BOARD NOTE: Method 1310B (Extraction Procedure Toxicity Test) is published in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.Appendix J Recordkeeping, Notification, and Certification Requirements (Repealed)

(Source: Repealed at 22 Ill. Reg. 17706, effective September 28, 1998)

Section 728.APPENDIX K Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)

BOARD NOTE: A combustion unit is defined as any thermal technology subject to Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726.

USEPA Hazardous Waste Number	Waste Description
D004	Toxicity Characteristic for Arsenic.
D005	Toxicity Characteristic for Barium.
D006	Toxicity Characteristic for Cadmium.
D007	Toxicity Characteristic for Chromium.
D008	Toxicity Characteristic for Lead.
D009	Toxicity Characteristic for Mercury.
D010	Toxicity Characteristic for Selenium.
D011	Toxicity Characteristic for Silver.
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating basis on carbon steel; (4) aluminum or zinc-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.
F007	Spent cyanide plating bath solutions from electroplating operations.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F010	Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process.
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.
F012	Quenching waste water treatment sludges from metal heat-treating operations where cyanides are used in the process.

F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive conversion coating process.
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.
K004	Wastewater treatment sludge from the production of zinc yellow pigments.
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
K069	Emission control dust/sludge from secondary lead smelting.
K071	Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
K106	Sludges from the mercury cell processes for making chlorine.
P010	Arsenic acid H_3AsO_4.
P011	Arsenic oxide As_2O_5.
P012	Arsenic trioxide.
P013	Barium cyanide.
P015	Beryllium.
P029	Copper (I) cyanide Cu(CN).
P074	Nickel (II) cyanide $Ni(CN)_2$.

P087	Osmium (VIII) tetroxide OsO_4.
P099	Potassium silver cyanide $KAg(CN)_2$.
P104	Silver cyanide AgCN.
P113	Thallic (III) oxide Tl_2O_3.
P114	Thallium (I) selenite Tl_2SeO_3.
P115	Thallium (I) sulfate Tl_2SO_4.
P119	Ammonium (V) vanadate NH_3VO_3.
P120	Vanadium (V) oxide V_2O_5.
P121	Zinc cyanide ZnCN.
U032	Calcium chromate $CaCrO_4$.
U145	Lead phosphate.
U151	Mercury.
U204	Selenous acid H_2SeO_3.
U205	Selenium (IV) disulfide SeS_2.
U216	Thallium (I) chloride TlCl.
U217	Thallium (I) nitrate $TlNO_3$.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE A Constituent Concentrations in Waste Extract (CCWE)

For the requirements previously found in this Section and Section 728.141, refer to Section 728.140 and Table T, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE B Constituent Concentrations in Wastes (CCW)

For the requirements previously found in this Section and for treatment standards in Section 728.143, "Constituent Concentrations in Wastes (CCW)", refer to Section 728.140 and Table T, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE C Technology Codes and Description of Technology-Based Standards

Technology Code	Description of Technology-Based Standard
ADGAS	Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)—venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.
AMLGM	Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.
BIODG	Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).
CARBN	Carbon adsorption (granulated or powdered) of non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.
CHOXD	Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations or reagents: 1) hypochlorite (e.g., bleach); 2) chlorine; 3) chlorine dioxide; 4) ozone or UV (ultraviolet light) assisted ozone; 5) peroxides; 6) persulfates;

7) perchlorates;

8) permanganates; or

9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

1) sulfur dioxide;

2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);

3) sodium hydrosulfide;

4) ferrous salts; or

5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CMBST High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of Subpart O of 35 Ill. Adm. Code 724, Subpart O of 35 Ill. Adm. Code 725, or Subpart H of 35 Ill. Adm. Code 726, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high-level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per USEPA hazardous waste number with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

INCIN Incineration in units operated in accordance with the technical operating requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725.

LLEXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

1) acids;

2) bases; or

3) water (including wastewaters) resulting in a pH greater than two but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

POLYM Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);

2) caustic (i.e., sodium or potassium hydroxides);

3) soda ash (i.e., sodium carbonate);

4) sodium sulfide;

5) ferric sulfate or ferric chloride;

6) alum; or

7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RBERY Thermal recovery of beryllium.

RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recovery technologies:

1) distillation (i.e., thermal concentration);

2) ion exchange;

3) resin or solid adsorption;

4) reverse osmosis; or

5) incineration for the recovery of acid

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

a) A federal national emissions standard for hazardous air pollutants (NESHAP) for mercury (subpart E of 40 CFR 61);

b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a

prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or

c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per USEPA hazardous waste number with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

1) ion exchange;

2) resin or solid (i.e., zeolites) adsorption;

3) reverse osmosis;

4) chelation or solvent extraction;

5) freeze crystallization;

6) ultrafiltration; or

7) simple precipitation (i.e., crystallization)

Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

1) Distillation;

2) thin film evaporation;

3) steam stripping;

4) carbon adsorption;

5) critical fluid extraction;

6) liquid-liquid extraction;

7) precipitation or crystallization (including freeze crystallization); or

8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace".

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

1) Portland cement; or

2) lime or pozzolans (e.g., fly ash and cement kiln dust)—this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive strength, or to overall reduce the leachability of the metal or inorganic.

SSTRP Steam stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as temperature and pressure ranges, have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit, such as, the number of separation stages and the internal column design. Thus resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table T by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

BOARD NOTE: Derived from Table 1 in 40 CFR 268.42 (2017).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE D Technology-Based Standards by USEPA Hazardous Waste Number

BOARD NOTE: For the requirements previously found in this Section, refer to Section 728.140 and Table T.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE E Standards for Radioactive Mixed Waste

BOARD NOTE: For the requirements previously found in this Section, refer to Section 728.140 and Table T.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE F Alternative Treatment Standards For Hazardous Debris

a) Hazardous debris must be treated by either the standards indicated in this Table F or by the waste-specific treatment standards for the waste contaminating the debris. The treatment standards must be met for each type of debris contained in a mixture of debris types, unless the debris is converted into treatment residue as a result of the treatment process. Debris treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

b) Definitions. For the purposes of this Table F, the following terms are defined as follows:

"Clean debris surface" means the surface, when viewed without magnification, must be free of all visible contaminated soil and hazardous waste except that residual staining from soil and waste consisting of light shadows, slight streaks, or minor discolorations, and soil and waste in cracks, crevices, and pits may be present provided that such staining and waste and

soil in cracks, crevices, and pits must be limited to no more than five percent of each square inch of surface area.

"Contaminant restriction" means that the technology is not BDAT for that contaminant. If debris containing a restricted contaminant is treated by the technology, the contaminant must be subsequently treated by a technology for which it is not restricted in order to be land disposed (and excluded from Subtitle C regulation).

"Dioxin-listed wastes" means wastes having any of USEPA hazardous waste numbers FO20, FO21, FO22, FO23, FO26, or FO27.

c) Notes. In this Table F, the following text is to be read in conjunction with the tabulated text where the appropriate notations appear:

[1] Acids, solvents, and chemical reagents may react with some debris and contaminants to form hazardous compounds. For example, acid washing of cyanide-contaminated debris could result in the formation of hydrogen cyanide. Some acids may also react violently with some debris and contaminants, depending on the concentration of the acid and the type of debris and contaminants. Debris treaters should refer to the safety precautions specified in Material Safety Data Sheets for various acids to avoid applying an incompatible acid to a particular debris/contaminant combination. For example, concentrated sulfuric acid may react violently with certain organic compounds, such as acrylonitrile.

[2] If reducing the particle size of debris to meet the treatment standards results in material that no longer meets the 60 mm minimum particle size limit for debris, such material is subject to the waste-specific treatment standards for the waste contaminating the material, unless the debris has been cleaned and separated from contaminated soil and waste prior to size reduction. At a minimum, simple physical or mechanical means must be used to provide such cleaning and separation of nondebris materials to ensure that the debris surface is free of caked soil, waste, or other nondebris material.

[3] Thermal desorption is distinguished from thermal destruction in that the primary purpose of thermal desorption is to volatilize contaminants and to remove them from the treatment chamber for subsequent destruction or other treatment.

[4] The demonstration of "equivalent technology" pursuant to Section 728.142(b) must document that the technology treats contaminants subject to treatment to a level equivalent to that required by the performance and design and operating standards for other technologies in this table such that residual levels of hazardous contaminants will not pose a hazard to human health and the environment absent management controls.

[5] Any soil, waste, and other nondebris material that remains on the debris surface (or remains mixed with the debris) after treatment is considered a treatment residual that must be separated from the debris using, at a minimum, simple physical or mechanical means. Examples of simple physical or mechanical means are vibratory or trommel screening or water washing. The debris surface need not be cleaned to a "clean debris surface" as defined in subsection (b) when separating treated debris from residue; rather, the surface must be free of caked soil, waste, or other nondebris material. Treatment residuals are subject to the waste-specific treatment standards for the waste contaminating the debris.

Technology Description	Performance or Design and Operating Standard	Contaminant Restrictions
A. Extraction Technologies		
1. Physical Extraction		
a. Abrasive Blasting: Removal of contaminated debris surface layers using water or air pressure to propel a solid media (e.g., steel shot, aluminum oxide grit, plastic beads).	Glass, Metal, Plastic, Rubber: Treatment to a clean debris surface. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Removal of at least 0.6 cm of the surface layer; treatment to a clean debris surface.	All Debris: None.
b. Scarification, Grinding, and Planing: Process utilizing striking piston heads, saws, or rotating grinding wheels such that contaminated debris surface layers are removed.	Same as above	Same as above
c. Spalling: Drilling or chipping holes at appropriate locations and depth in the contaminated debris surface and applying a tool that exerts a force on the sides of those holes such that the surface layer is removed. The surface layer removed remains hazardous debris subject to the debris treatment standards.	Same as above	Same as above

d. Vibratory Finishing: Process utilizing scrubbing media, flushing fluid, and oscillating energy such that hazardous contaminants or contaminated debris surface layers are removed.[1]	Same as above	Same as above
e. High Pressure Steam and Water Sprays: Application of water or steam sprays of sufficient temperature, pressure, residence time, agitation, surfactants, and detergents to remove hazardous contaminants from debris surfaces or to remove contaminated debris surface layers	Same as above	Same as above.
2. Chemical Extraction		
a. Water Washing and Spraying: Application of water sprays or water baths of sufficient temperature, pressure, residence time, agitation, surfactants, acids, bases, and detergents to remove hazardous contaminants from debris surfaces and surface pores or to remove contaminated debris surface layers.	All Debris: Treatment to a clean debris surface; Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit,[2] except that this thickness limit may be waived under an "Equivalent Technology" approval pursuant to Section 728.142(b);[4] debris surfaces must be in contact with water solution for at least 15 minutes	Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Contaminant must be soluble to at least five percent by weight in water solution or five percent by weight in emulsion; if debris is contaminated with a dioxin-listed waste,[3] an "Equivalent Technology" approval pursuant to Section 728.142(b) must be obtained.[4]
b. Liquid Phase Solvent Extraction: Removal of hazardous contaminants from debris surfaces and surface pores by applying a nonaqueous liquid or liquid solution that causes the hazardous contaminants to enter the liquid phase and be flushed away from the debris along with the liquid	Same as above	Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Same as above, except that contaminant must be soluble to at least five percent by weight in the solvent.

or liquid solution while using appropriate agitation, temperature, and residence time.[1]		
c. Vapor Phase Solvent Extraction: Application of an organic vapor using sufficient agitation, residence time, and temperature to cause hazardous contaminants on contaminated debris surfaces and surface pores to enter the vapor phase and be flushed away with the organic vapor.[1]	Same as above, except that brick, cloth, concrete, paper, pavement, rock and wood surfaces must be in contact with the organic vapor for at least 60 minutes.	Same as above.
3. Thermal Extraction		
a. High Temperature Metals Recovery: Application of sufficient heat, residence time, mixing, fluxing agents, or carbon in a smelting, melting, or refining furnace to separate metals from debris.	For refining furnaces, treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residuals must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.	Debris contaminated with a dioxin-listed waste:[2] Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b).[4]
b. Thermal Desorption: Heating in an enclosed chamber under either oxidizing or nonoxidizing atmospheres at sufficient temperature and residence time to vaporize hazardous contaminants from contaminated surfaces and surface pores and to remove the contaminants from the heating chamber in a gaseous exhaust gas.[3]	All Debris: Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b);[4] treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 10 cm (4 inches) in one dimension (i.e., thickness limit),[2] except that	All Debris: Metals other than mercury.

	this thickness limit may be waived under the "Equivalent Technology" approval	
B. Destruction Technologies		
1. Biological Destruction (Biodegradation): Removal of hazardous contaminants from debris surfaces and surface pores in an aqueous solution and biodegradation of organic or nonmetallic inorganic compounds (i.e., inorganics that contain phosphorus, nitrogen, or sulfur) in units operated under either aerobic or anaerobic conditions.	All Debris: Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b);[4] treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e., thickness limit),[2] except that this thickness limit may be waived under the "Equivalent Technology" approval	All Debris: Metal contaminants.
2. Chemical Destruction		
a. Chemical Oxidation: Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combination of reagents: (1) hypochlorite (e.g., bleach); (2) chlorine; (3) chlorine dioxide; (4) ozone or UV (ultraviolet light) assisted ozone; (5) peroxides; (6) persulfates; (7) perchlorates; (8) permanganates; or (9) other oxidizing reagents of equivalent destruction efficiency.[1] Chemical oxidation specifically includes what is referred to as alkaline chlorination.	All Debris: Obtain an "Equivalent Technology" approval pursuant to 35 Ill. Adm. Code.142(b);[4] treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris. Brick, Cloth, Concrete, Paper, Pavement, Rock, Wood: Debris must be no more than 1.2 cm (½ inch) in one dimension (i.e.,	All Debris: Metal contaminants.

	thickness limit),[2] except that this thickness limit may be waived under the "Equivalent Technology" approval	
b. Chemical Reduction: Chemical reaction utilizing the following reducing reagents (or waste reagents) or combination of reagents: (1) sulfur dioxide; (2) sodium, potassium, or alkali salts of sulfites, bisulfites, and metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG); (3) sodium hydrosulfide; (4) ferrous salts; or (5) other reducing reagents of equivalent efficiency.[1]	Same as above	Same as above.
3. Thermal Destruction: Treatment in an incinerator operating in accordance with Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725; a boiler or industrial furnace operating in accordance with Subpart H of 35 Ill. Adm. Code 726, or other thermal treatment unit operated in accordance with Subpart X of 35 Ill. Adm. Code 724, or Subpart P of 35 Ill. Adm. Code 725, but excluding for purposes of these debris treatment standards Thermal Desorption units.	Treated debris must be separated from treatment residuals using simple physical or mechanical means,[5] and, prior to further treatment, such residue must meet the waste-specific treatment standards for organic compounds in the waste contaminating the debris.	Brick, Concrete, Glass, Metal, Pavement, Rock, Metal: Metals other than mercury, except that there are no metal restrictions for vitrification. Debris contaminated with a dioxin-listed waste.[3] Obtain an "Equivalent Technology" approval pursuant to Section 728.142(b),[4] except that this requirement does not apply to vitrification.
C. Immobilization Technologies		
1. Macroencapsulation: Application of surface coating materials such as polymeric organics (e.g., resins and plastics) or use of a jacket of inert inorganic materials to substantially reduce surface	Encapsulating material must completely encapsulate debris and be resistant to degradation by the debris and its contaminants and materials into which it may come into contact	None.

exposure to potential leaching media.	after placement (leachate, other waste, microbes).	
2. Microencapsulation: Stabilization of the debris with the following reagents (or waste reagents) such that the leachability of the hazardous contaminants is reduced: (1) Portland cement; or (2) lime/ pozzolans (e.g., fly ash and cement kiln dust). Reagents (e.g., iron salts, silicates, and clays) may be added to enhance the set/cure time or compressive strength, or to reduce the leachability of the hazardous constituents.[2]	Leachability of the hazardous contaminants must be reduced.	None.
3. Sealing: Application of an appropriate material that adheres tightly to the debris surface to avoid exposure of the surface to potential leaching media. When necessary to effectively seal the surface, sealing entails pretreatment of the debris surface to remove foreign matter and to clean and roughen the surface. Sealing materials include epoxy, silicone, and urethane compounds, but paint may not be used as a sealant	Sealing must avoid exposure of the debris surface to potential leaching media and sealant must be resistant to degradation by the debris and its contaminants and materials into which it may come into contact after placement (leachate, other waste, microbes).	None.

BOARD NOTE: Derived from Table 1 to 40 CFR 268.45 (2017).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE G Alternative Treatment Standards Based on HTMR

For the treatment standards previously found in this Section and Section 728.146, refer to Section 728.140 and Table T, "Treatment Standards for Hazardous Wastes".

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE H Wastes Excluded from CCW Treatment Standards

The following facilities are excluded from the treatment standard under Section 728.143(a) and Table B, and are subject to the following constituent concentrations. These facilities have received a treatability exception by regulatory action from USEPA pursuant to 40 CFR 268.44, and have demonstrated that the Board needs to adopt the treatability exception as part of the Illinois RCRA program. The Board may also grant an "adjusted treatment standard" pursuant to Section 728.144.

Facility Name and Address	USEPA Hazardous Waste Number	See Also	Regulated Hazardous Constituent	Wastewaters Concentration (mg/ℓ)	Notes	Nonwastewaters Concentration (mg/kg)	Notes
Craftsman Plating and Tinning Corp., Chicago, IL	F006	Section 728.140	Cyanides (Total)	1.2	B	1,800	D
			Cyanides (amenable)	0.86	B and C	30	D
			Cadmium	1.6		NA	
			Chromium	0.32		NA	
			Lead	0.40		NA	
			Nickel	0.44		NA	
Northwestern Plating Works, Inc., Chicago, IL	F006	Section 728.140	Cyanides (Total)	1.2	B	970	D
			Cyanides (amenable)	0.86	B and C	30	D
			Cadmium	1.6		NA	
			Chromium	0.32		NA	
			Lead	0.40		NA	
			Nickel	0.44		NA	

Notes:

A An owner or operator may certify compliance with these treatment standards according to the provisions of Section 728.107.

B Cyanide wastewater standards for F006 are based on analysis of composite samples.

C These owners and operators must comply with 0.86 mg/ℓ for amenable cyanides in the wastewater exiting the alkaline chlorination system. These owners and operators must also comply with Section 728.107(a)(4) for appropriate monitoring frequency consistent with the facilities' waste analysis plan.

D Cyanide nonwastewaters are analyzed using Method 9010C (Total and Amenable Cyanide: Distillation) or 9012B (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(b), with a sample size 10 g, distillation time one hour and fifteen minutes.

NA Not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.44(o) (2017).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE I Generator Paperwork Requirements

Required Information	Subsection of Section 728.107 under Which the Paperwork is Required: (a)(2)	(a)(3)	(a)(4)	(a)(9)
1. USEPA hazardous waste numbers and manifest number of first shipment	✓	✓	✓	✓
2. Statement: this waste is not prohibited from land disposal			✓	
3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice	✓	✓		
4. The notice must include the applicable wastewater/ nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a USEPA hazardous waste number based on waste-specific criteria (such as D003 reactive cyanide)	✓	✓		
5. Waste analysis data (when available)	✓	✓	✓	
6. Date the waste is subject to the prohibition			✓	

7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145	✓		✓	
8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards	✓	✓		
9. A certification is needed (see applicable subsection for exact wording)		✓		✓

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (2017).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that formerly appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

USEPA Hazardous Waste Number
Waste Description and Treatment or Regulatory Subcategory[1]

Regulated Hazardous Constituent		Wastewaters	Nonwastewaters Concentration[5] in mg/kg unless noted as "mg/ℓ TCLP"; or Technology Code[4]
Common Name	CAS[2] Number	Concentration[3] in mg/ℓ; or Technology Code[4]	

D001[9]
Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST	DEACT and meet Section 728.148 standards[8]; or RORGS; or CMBST

D001[9]
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1)—Greater than or equal to 10 percent total organic carbon.

(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM

D002[9]
Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D002, D004, D005, D006, D007, D008, D009, D010, D011
Radioactive high level wastes generated during the reprocessing of fuel rods.
(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003[9]
Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT

D003[9]
Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D003[9]
Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT

D003[9]
Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards[8]	DEACT and meet Section 728.148 standards[8]

D003[9]
Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4). (Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	DEACT and meet Section 728.148 standards[8]

D003[9]
Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total)[7]	57-12-5	—	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

D004[9]
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Arsenic	7440-38-2	1.4 and meet Section 728.148 standards[8]	5.0 mg/ℓ TCLP and meet Section 728.148 standards[8]

D005[9]
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Barium	7440-39-3	1.2 and meet Section 728.148 standards[8]	21 mg/ℓ TCLP and meet Section 728.148 standards[8]

D006[9]
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards[8]	0.11 mg/ℓ TCLP and meet Section 728.148 standards[8]

D006[9]
Cadmium-Containing Batteries Subcategory.
(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM

D006[9]
Radioactively contaminated cadmium-containing batteries.
(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	Macroencapsulation in accordance with Section 728.145

D007[9]
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards[8]	0.60 mg/ℓ TCLP and meet Section 728.148 standards[8]

D008[9]
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Lead	7439-92-1	0.69 and meet Section 728.148 standards[8]	0.75 mg/ℓ TCLP and meet Section 728.148 standards[8]

D008[9]
Lead Acid Batteries Subcategory
(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	RLEAD

D008[9]
Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	MACRO

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury	7439-97-6	NA	RMERC

D009[9]

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP and meet Section 728.148 standards[8]

D009[9]

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a); and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP and meet Section 728.148 standards[8]

D009[9]			
All D009 wastewaters.			
Mercury	7439-97-6	0.15 and meet Section 728.148 standards[8]	NA
D009[9]			
Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)			
Mercury	7439-97-6	NA	AMLGM
D009[9]			
Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)			
Mercury	7439-97-6	NA	IMERC
D009[9]			
Radioactively contaminated mercury-containing batteries. (Note: This subcategory consists of nonwastewaters only.)			
Mercury	7439-97-6	NA	Macroencapsulation in accordance with Section 728.145
D010[9]			
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).			
Selenium	7782-49-2	0.82 and meet Section 728.148 standards[8]	5.7 mg/ℓ TCLP and meet Section 728.148 standards[8]
D011[9]			
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).			
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP and meet Section 728.148 standards[8]
D011[9]			
Radioactively contaminated silver-containing batteries. (Note: This subcategory consists of nonwastewaters only.)			

Silver	7440-22-4	NA	Macroencapsulation in accordance with Section 728.145

D012[9]
Wastes that are TC for endrin based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards[8]
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards[8]

D013[9]
Wastes that are TC for lindane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

α-BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
β-BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
δ-BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]
γ-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards[8]

D014[9]
Wastes that are TC for methoxychlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards[8]

D015[9]

Wastes that are TC for toxaphene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards[8]

D016[9]

Wastes that are TC for 2,4-D (2,4-dichlorophenoxyacetic acid) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-D (2,4-dichlorophenoxy-acetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards[8]

D017[9]

Wastes that are TC for 2,4,5-TP (Silvex) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards[8]

D018[9]

Wastes that are TC for benzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Benzene	71-43-2	0.14 and meet Section 728.148 standards[8]	10 and meet Section 728.148 standards[8]

D019[9]

Wastes that are TC for carbon tetrachloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D020[9]

Wastes that are TC for chlordane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlordane (α and χ isomers)	57-74-9	0.0033 and meet Section 728.148 standards[8]	0.26 and meet Section 728.148 standards[8]

D021[9]
Wastes that are TC for chlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D022[9]
Wastes that are TC for chloroform based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Chloroform	67-66-3	0.046 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D023[9]
Wastes that are TC for o-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

o-Cresol	95-48-7	0.11 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D024[9]
Wastes that are TC for m-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D025[9]
Wastes that are TC for p-cresol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods",

USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D026[9]
Wastes that are TC for cresols (total) based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards[8]	11.2 and meet Section 728.148 standards[8]

D027[9]
Wastes that are TC for p-dichlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D028[9]
Wastes that are TC for 1,2-dichloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,2-Dichloroethane	107-06-2	0.21 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D029[9]
Wastes that are TC for 1,1-dichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

1,1-Dichloroethylene	75-35-4	0.025 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D030[9]
Wastes that are TC for 2,4-dinitrotoluene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical

Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards[8]	140 and meet Section 728.148 standards[8]

D031[9]
Wastes that are TC for heptachlor based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Heptachlor	76-44-8	0.0012 and meet Section 728.148 standards[8]	0.066 and meet Section 728.148 standards[8]
Heptachlor epoxide	1024-57-3	0.016 and meet Section 728.148 standards[8]	0.066 and meet Section 728.148 standards[8]

D032[9]
Wastes that are TC for hexachlorobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards[8]	10 and meet Section 728.148 standards[8]

D033[9]
Wastes that are TC for hexachlorobutadiene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards[8]	5.6 and meet Section 728.148 standards[8]

D034[9]
Wastes that are TC for hexachloroethane based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards[8]	30 and meet Section 728.148 standards[8]

D035[9]
Wastes that are TC for methyl ethyl ketone based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards[8]	36 and meet Section 728.148 standards[8]

D036[9]
Wastes that are TC for nitrobenzene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards[8]	14 and meet Section 728.148 standards[8]

D037[9]
Wastes that are TC for pentachlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D038[9]
Wastes that are TC for pyridine based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Pyridine	110-86-1	0.014 and meet Section 728.148 standards[8]	16 and meet Section 728.148 standards[8]

D039[9]
Wastes that are TC for tetrachloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D040[9]
Wastes that are TC for trichloroethylene based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

D041[9]
Wastes that are TC for 2,4,5-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D042[9]
Wastes that are TC for 2,4,6-trichlorophenol based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards[8]	7.4 and meet Section 728.148 standards[8]

D043[9]
Wastes that are TC for vinyl chloride based on Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a).

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards[8]	6.0 and meet Section 728.148 standards[8]

F001, F002, F003, F004 & F005
F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetra-chloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131.

Acetone	67-64-1	0.28	160

Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoro-ethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c)).

Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP

F001, F002, F003, F004 & F005
F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

F001, F002, F003, F004 & F005
F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST

F006
Wastewater treatment sludges from electroplating 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 or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F007
Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F008
Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F009
Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F010
Quenching bath residues from oil baths from metal heat-treating operations where cyanides are used in the process.

Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	NA

F011
Spent cyanide solutions from salt bath pot cleaning from metal heat-treating operations.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F012
Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP

F019
Wastewater treatment sludges from the chemical conversion coating of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

F020, F021, F022, F023, F026

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: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST[11]	CMBST[11]
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

F025
Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025—Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025
Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025—Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F027
Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4

TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 USEPA hazardous waste number deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k) fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b) fluoranthene)	207-08-9	0.11	6.8

Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Hexachlorodibenzofurans	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Pentachlorodibenzofurans	NA	0.000035 or CMBST[11]	0.001 or CMBST[11]
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachlorodibenzo-p-dioxins	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
Tetrachlorodibenzofurans	NA	0.000063 or CMBST[11]	0.001 or CMBST[11]
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4

Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

F037

Petroleum refinery primary oil/water/solids separation sludge—any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP

Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140

Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30

2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxy-acetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
Diethyl phthalate	84-66-2	0.20	28
2-4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28

Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitros-amine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenyl-amine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachloro-dibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachloro-dibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloro-aniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.0025
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063	0.005
Parathion	56-38-2	0.014	4.6

Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoro-ethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA

Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA

K001
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K002
Wastewater treatment sludge from the production of chrome yellow and orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K003
Wastewater treatment sludge from the production of molybdate orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K004
Wastewater treatment sludge from the production of zinc yellow pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K005
Wastewater treatment sludge from the production of chrome green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

K006
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K006
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA

K007
Wastewater treatment sludge from the production of iron blue pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590

K008
Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K009
Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0

K010
Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0

K011
Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K013

Bottom stream from the acetonitrile column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K014

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

K015

Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitros-amine)	122-39-4	0.92	13

Diphenylnitrosamine (difficult to distinguish from diphenyl-amine)	86-30-6	0.92	13
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST

K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST

K027

Centrifuge and distillation residues from toluene diisocyanate production.

NA	NA	CARBN; or CMBST	CMBST

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0

1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium(Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K029

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K031

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

K032

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K034
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K035
Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

K036
Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2

K037
Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10

K038
Wastewater from the washing and stripping of phorate production.

Phorate	298-02-2	0.021	4.6

K039
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA	NA	CARBN; or CMBST	CMBST

K040
Wastewater treatment sludge from the production of phorate.

Phorate	298-02-2	0.021	4.6

K041
Wastewater treatment sludge from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

K042
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K043
2,6-Dichlorophenol waste from the production of 2,4-D.

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001

K044
Wastewater treatment sludges from the manufacturing and processing of explosives.

NA	NA	DEACT	DEACT

K045
Spent carbon from the treatment of wastewater containing explosives.

NA	NA	DEACT	DEACT

K046
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K047
Pink or red water from TNT operations.

NA	NA	DEACT	DEACT

K048
Dissolved air flotation (DAF) float from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K049
Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10

Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)[7]	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K052

Tank bottoms (leaded) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6

m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/ℓ TCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590

K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	NA	5.0 mg/ℓ TCLP
Barium	7440-39-3	NA	21 mg/ℓ TCLP
Beryllium	7440-41-7	NA	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	NA	5.7 mg/ℓ TCLP
Silver	7440-22-4	NA	0.14 mg/ℓ TCLP
Thallium	7440-28-0	NA	0.20 mg/ℓ TCLP
Zinc	7440-66-6	NA	4.3 mg/ℓ TCLP

K062
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Nickel	7440-02-0	3.98	NA

K069
Emission control dust or sludge from secondary lead smelting - Calcium sulfate (Low Lead) Subcategory.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K069
Emission control dust or sludge from secondary lead smelting - Non-Calcium sulfate (High Lead) Subcategory.

NA	NA	NA	RLEAD

K071
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

K071
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

K071
All K071 wastewaters.

Mercury	7439-97-6	0.15	NA

K073
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K083
Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA

Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenyl-amine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP

K084
Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

K085
Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

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

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10

Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP

Arsenic	7440-38-2	1.4	26.1 mg/ℓ
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Cyanide (Total)[7]	57-12-5	1.2	590
Cyanide (Amenable)[7]	57-12-5	0.86	30
Fluoride	16984-48-8	35	NA

K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0

1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K097
Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K098
Untreated process wastewater from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6

K099
Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001

K100
Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K101
Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA

Mercury	7439-97-6	0.15	NA

K102
Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103
Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

K104
Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total)[7]	57-12-5	1.2	590

K105
Separated aqueous stream from the reactor product washing step in the production of chloro-benzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

K106
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

K106
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

K106
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

K106
All K106 wastewaters.

Mercury	7439-97-6	0.15	NA

K107
Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K108
Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K109
Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K110
Condensed column overheads from intermediate separation from the production of 1,1-dimethyl-hydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K111
Product washwaters from the production of dinitrotoluene via nitration of toluene.

2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

K112
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST

K113
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST

K114
Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST

K115
Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
NA	NA	CARBN; or CMBST	CMBST

K116
Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST

K117
Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K118
Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

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

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K124
Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K125
Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithio-carbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

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

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST

K131
Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15

K132
Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15

K136
Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

K141
Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142
Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4

K144
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147
Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148
Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149
Distillation bottoms from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0

Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150
Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2- Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

K151
Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of α- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156
Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.

Acetonitrile	75-05-8	5.6	1.8
Acetophenone	98-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl[10]	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Benzene	71-43-2	0.14	10

Carbaryl[10]	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbenzadim[10]	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Carbofuran[10]	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbosulfan[10]	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl[10]	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl[10]	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.

Benomyl[10]	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBSTP
Benzene	71-43-2	0.14	10
Carbenzadim[10]	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Carbofuran[10]	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
Carbosulfan[10]	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.[10]

Benzene	71-43-2	0.14	10
Butylate[10]	2008-41-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
EPTC (Eptam)[10]	759-94-4	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Molinate[10]	2212-67-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Pebulate[10]	1114-71-2	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
Vernolate[10]	1929-77-7	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust, and floor sweepings from the production of dithiocarbamate acids and their salts.

Antimony	7440-36-0	1.9	1.15[11]
Arsenic	7440-38-2	1.4	5.0[11]
Carbon disulfide	75-15-0	3.8	4.8[11]

Dithiocarbamates (total)[10]	137-30-4	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
Lead	7439-92-1	0.69	0.75[11]
Nickel	7440-02-0	3.98	11[11]
Selenium	7782-49-2	0.82	5.7[11]

K169
Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30

K170
Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3,-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total	1330-20-7	0.32	30

K171
Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2

Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11.0 mg/ℓ TCLP
Vanadium	7440-62-2	4.3	1.6 mg/ℓ TCLP
Reactive sulfides	NA	DEACT	DEACT

K172

Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylenes (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7740-38-2	1.4	5 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11.0 mg/ℓ TCLP
Vanadium	7440-62-2	4.3	1.6 mg/ℓ TCLP
Reactive Sulfides	NA	DEACT	DEACT

K174

Wastewater treatment sludge from the production of ethylene dicholoride or vinyl choloride monomer.

1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,6,7,8-Heptachloro-dibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,7,8,9-Heptachloro-dibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST[11]	0.0025 or CMBST[11]
All hexachlorodibenzo-p-dioxins (HxCDDs)	34465-46-8	0.000063 or CMBST[11]	0.001 or CMBST[11]
All hexachlorodibenzofurans (HxCDFs)	55684-94-1	0.000063 or CMBST[11]	0.001 or CMBST[11]
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST[11]	0.005 or CMBST[11]
1,2,3,4,6,7,8,9-Octachloro-dibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063 or CMBST[11]	0.005 or CMBST[11]
All pentachlorodibenzo-p-dioxins (PeCDDs)	36088-22-9	0.000063 or CMBST[11]	0.001 or CMBST[11]
All pentachlorodibenzofurans (PeCDFs)	30402-15-4	0.000035 or CMBST[11]	0.001 or CMBST[11]

All tetrachlorodibenzo-p-dioxins (TCDDs)	41903-57-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
All tetrachlorodibenzofurans (TCDFs)	55722-27-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
Arsenic	7440-36-0	1.4	5.0 mg/ℓ TCLP

K175
Wastewater treatment sludge from the production of vinyl choloride monomer using mercuric chloride catalyst in an acetylene-based process.

Mercury[12]	7439-97-6	NA	0.025 mg/ℓ TCLP
PH[12]		NA	pH≤6.0

K175
All K175 wastewaters.

Mercury	7439-97-6	0.15	NA

K176
Baghouse filters from the production of antimony oxide, including filters from the production of intermediates e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury	7439-97-6	0.15	0.025 mg/ℓ TCLP

K177
Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide).

Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP

K178
Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.

1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,6,7,8-Heptachloro-dibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST[11]	0.0025 or CMBST[11]
1,2,3,4,7,8,9-Heptachloro-dibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST[11]	0.0025 or CMBST[11]
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST[11]	0.001 or CMBST[11]

HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063 or CMBST[11]	0.001 or CMBST[11]
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063 or CMBST[11]	0.005 or CMBST[11]
1,2,3,4,6,7,8,9-Octachloro-dibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST[11]	0.005 or CMBST[11]
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST[11]	0.001 or CMBST[11]
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035 or CMBST[11]	0.001 or CMBST[11]
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063 or CMBST[11]	0.001 or CMBST[11]
Thallium	7440-28-0	1.4	0.20 mg/ℓ TCLP

K181

Nonwastewaters from the production of dyes or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in Section 721.132(c) which are equal to or greater than the corresponding Section 721.132(c) levels, as determined on a calendar-year basis.

Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66
4-Chloroaniline	106-47-8	0.46	16
p-Cresidine	120-71-8	0.010	0.66
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
1,2-Phenylenediamine	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN
1,3-Phenylenediamine	108-45-2	0.010	0.66

P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent.

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P002 1-Acetyl-2-thiourea.			
1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P003 Acrolein.			
Acrolein	107-02-8	0.29	CMBST
P004 Aldrin.			
Aldrin	309-00-2	0.021	0.066
P005 Allyl alcohol.			
Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006 Aluminum phosphide.			
Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P007 5-Aminomethyl-3-isoxazolol.			
5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008 4-Aminopyridine.			
4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009 Ammonium picrate.			
Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

P010			
Arsenic acid.			
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
P011			
Arsenic pentoxide.			
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
P012			
Arsenic trioxide.			
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
P013			
Barium cyanide.			
Barium	7440-39-3	NA	21 mg/ℓ TCLP
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P014			
Thiophenol (Benzene thiol).			
Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015			
Beryllium dust.			
Beryllium	7440-41-7	RMETL;or RTHRM	RMETL; or RTHRM
P016			
Dichloromethyl ether (Bis(chloromethyl) ether).			
Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017			
Bromoacetone.			
Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P018 Brucine.			
Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb).			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021 Calcium cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P022 Carbon disulfide.			
Carbon disulfide	75-15-0	3.8	CMBST
Carbon disulfide; alternate[6] standard for nonwastewaters only	75-15-0	NA	4.8 mg/ℓ TCLP
P023 Chloroacetaldehyde.			
Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P024 p-Chloroaniline.			
p-Chloroaniline	106-47-8	0.46	16
P026 1-(o-Chlorophenyl)thiourea.			
1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P027 3-Chloropropionitrile.			
3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028 Benzyl chloride.			
Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P029 Copper cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P030 Cyanides (soluble salts and complexes).			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P031 Cyanogen.			
Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033 Cyanogen chloride.			
Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P034 2-Cyclohexyl-4,6-dinitrophenol.			
2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P036 Dichlorophenylarsine.			
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP

P037 Dieldrin.			
Dieldrin	60-57-1	0.017	0.13
P038 Diethylarsine.			
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
P039 Disulfoton.			
Disulfoton	298-04-4	0.017	6.2
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate.			
O,O-Diethyl-O-pyrazinyl-phosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041 Diethyl-p-nitrophenyl phosphate.			
Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042 Epinephrine.			
Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043 Diisopropylfluorophosphate (DFP).			
Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044 Dimethoate.			
Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045 Thiofanox.			
Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P046 α,α-Dimethylphenethylamine.			
α,α-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047 4,6-Dinitro-o-cresol.			
4,6-Dinitro-o-cresol	543-52-1	0.28	160
P047 4,6-Dinitro-o-cresol salts.			
NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol.			
2,4-Dinitrophenol	51-28-5	0.12	160
P049 Dithiobiuret.			
Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050 Endosulfan.			
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
P051 Endrin.			
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
P054 Aziridine.			
Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P056 Fluorine.			
Fluoride (measured in wastewaters only)	16984-48-8	35	ADGAS fb NEUTR
P057 Fluoroacetamide.			
Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058 Fluoroacetic acid, sodium salt.			
Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P059 Heptachlor.			
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
P060 Isodrin.			
Isodrin	465-73-6	0.021	0.066
P062 Hexaethyl tetraphosphate.			
Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P063 Hydrogen cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P064 Isocyanic acid, ethyl ester.			
Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P065
P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC

P065
P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC

P065
P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

P065
P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

P065
All P065 (mercury fulminate) wastewaters.

Mercury	7439-97-6	0.15	NA

P066
Methomyl.

Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P067
2-Methyl-aziridine.

2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P068
Methyl hydrazine.

Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST

P069 2-Methyllactonitrile.			
2-Methyllactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070 Aldicarb.			
Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071 Methyl parathion.			
Methyl parathion	298-00-0	0.014	4.6
P072 1-Naphthyl-2-thiourea.			
1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073 Nickel carbonyl.			
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
P074 Nickel cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
P075 Nicotine and salts.			
Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076 Nitric oxide.			
Nitric oxide	10102-43-9	ADGAS	ADGAS

P077 p-Nitroaniline. p-Nitroaniline	100-01-6	0.028	28
P078 Nitrogen dioxide. Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
P081 Nitroglycerin. Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
P082 N-Nitrosodimethylamine. N-Nitrosodimethylamine	62-75-9	0.40	2.3
P084 N-Nitrosomethylvinylamine. N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085 Octamethylpyrophosphoramide. Octamethylpyrophosphoramide	152-16-9	CARBN; or CMBST	CMBST
P087 Osmium tetroxide. Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088 Endothall. Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089 Parathion. Parathion	56-38-2	0.014	4.6

P092
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.

Mercury	7439-97-6	NA	IMERC; or RMERC

P092
P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

P092
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

P092
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

P092
All P092 (phenyl mercuric acetate) wastewaters.

Mercury	7439-97-6	0.15	NA

P093
Phenylthiourea.

Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P094
Phorate.

Phorate	298-02-2	0.021	4.6

P095
Phosgene.

Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P096
Phosphine.

Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST

P097			
Famphur.			
Famphur	52-85-7	0.017	15
P098			
Potassium cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P099			
Potassium silver cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
P101			
Ethyl cyanide (Propanenitrile).			
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102			
Propargyl alcohol.			
Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103			
Selenourea.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
P104			
Silver cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
P105			
Sodium azide.			
Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106			
Sodium cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30

P108 Strychnine and salts.			
Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109 Tetraethyldithiopyrophosphate.			
Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110 Tetraethyl lead.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
P111 Tetraethylpyrophosphate.			
Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112 Tetranitromethane.			
Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113 Thallic oxide.			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114 Thallium selenite.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
P115 Thallium (I) sulfate.			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116 Thiosemicarbazide.			
Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P118 Trichloromethanethiol.			
Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P119 Ammonium vanadate.			
Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120 Vanadium pentoxide.			
Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121 Zinc cyanide.			
Cyanides (Total)[7]	57-12-5	1.2	590
Cyanides (Amenable)[7]	57-12-5	0.86	30
P122 Zinc phosphide Zn_3P_2, when present at concentrations greater than 10 percent.			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P123 Toxaphene.			
Toxaphene	8001-35-2	0.0095	2.6
P127 Carbofuran.[10]			
Carbofuran	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
P128 Mexacarbate.[10]			
Mexacarbate	315-18-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P185 Tirpate.[10]			
Tirpate	26419-73-8	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST

P188 Physostigimine salicylate.[10]			
Physostigmine salicylate	57-64-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P189 Carbosulfan.[10]			
Carbosulfan	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P190 Metolcarb.[10]			
Metolcarb	1129-41-5	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P191 Dimetilan.[10]			
Dimetilan	644-64-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P192 Isolan.[10]			
Isolan	119-38-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P194 Oxamyl.[10]			
Oxamyl	23135-22-0	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P196 Manganese dimethyldithiocarbamates (total).[10]			
Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
P197 Formparanate.[10]			
Formparanate	17702-57-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

P198 Formetanate hydrochloride.[10]			
Formetanate hydrochloride	23422-53-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P199 Methiocarb.[10]			
Methiocarb	2032-65-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P201 Promecarb.[10]			
Promecarb	2631-37-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P202 m-Cumenyl methylcarbamate.[10]			
m-Cumenyl methylcarbamate	64-00-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P203 Aldicarb sulfone.[10]			
Aldicarb sulfone	1646-88-4	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P204 Physostigmine.[10]			
Physostigmine	57-47-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P205 Ziram.[10]			
Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST

U001 Acetaldehyde.			
Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002 Acetone.			
Acetone	67-64-1	0.28	160
U003 Acetonitrile.			
Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate[6] standard for nonwastewaters only	75-05-8	NA	38
U004 Acetophenone.			
Acetophenone	98-86-2	0.010	9.7
U005 2-Acetylaminofluorene.			
2-Acetylaminofluorene	53-96-3	0.059	140
U006 Acetyl chloride.			
Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007 Acrylamide.			
Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008 Acrylic acid.			
Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U009 Acrylonitrile.			
Acrylonitrile	107-13-1	0.24	84
U010 Mitomycin C.			
Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011 Amitrole.			
Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012 Aniline.			
Aniline	62-53-3	0.81	14
U014 Auramine.			
Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015 Azaserine.			
Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016 Benz(c)acridine.			
Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U017 Benzal chloride.			
Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U018 Benz(a)anthracene.			
Benz(a)anthracene	56-55-3	0.059	3.4
U019 Benzene.			
Benzene	71-43-2	0.14	10
U020 Benzenesulfonyl chloride.			
Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U021 Benzidine.			
Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U022 Benzo(a)pyrene.			
Benzo(a)pyrene	50-32-8	0.061	3.4
U023 Benzotrichloride.			
Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U024 bis(2-Chloroethoxy)methane.			
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
U025 bis(2-Chloroethyl) ether.			
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0

U026 Chlornaphazine.			
Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027 bis(2-Chloroisopropyl) ether.			
bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2
U028 bis(2-Ethylhexyl) phthalate.			
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
U029 Methyl bromide (Bromomethane).			
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
U030 4-Bromophenyl phenyl ether.			
4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031 n-Butyl alcohol.			
n-Butyl alcohol	71-36-3	5.6	2.6
U032 Calcium chromate.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
U033 Carbon oxyfluoride.			
Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034 Trichloroacetaldehyde (Chloral).			
Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U035 Chlorambucil.			
Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036 Chlordane.			
Chlordane (α and χ isomers)	57-74-9	0.0033	0.26
U037 Chlorobenzene.			
Chlorobenzene	108-90-7	0.057	6.0
U038 Chlorobenzilate.			
Chlorobenzilate	510-15-6	0.10	CMBST
U039 p-Chloro-m-cresol.			
p-Chloro-m-cresol	59-50-7	0.018	14
U041 Epichlorohydrin (1-Chloro-2,3-epoxypropane).			
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042 2-Chloroethyl vinyl ether.			
2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043 Vinyl chloride.			
Vinyl chloride	75-01-4	0.27	6.0
U044 Chloroform.			
Chloroform	67-66-3	0.046	6.0
U045 Chloromethane (Methyl chloride).			
Chloromethane (Methyl chloride)	74-87-3	0.19	30

U046 Chloromethyl methyl ether.			
Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047 2-Chloronaphthalene.			
2-Chloronaphthalene	91-58-7	0.055	5.6
U048 2-Chlorophenol.			
2-Chlorophenol	95-57-8	0.044	5.7
U049 4-Chloro-o-toluidine hydrochloride.			
4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U050 Chrysene.			
Chrysene	218-01-9	0.059	3.4
U051 Creosote.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U052 Cresols (Cresylic acid).			
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
U053 Crotonaldehyde.			
Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055 Cumene.			
Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056 Cyclohexane.			
Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057 Cyclohexanone.			
Cyclohexanone	108-94-1	0.36	CMBST
Cyclohexanone; alternate[6] standard for nonwastewaters only	108-94-1	NA	0.75 mg/ℓ TCLP
U058 Cyclophosphamide.			
Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST
U059 Daunomycin.			
Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U060			
DDD.			
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
U061			
DDT.			
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
U062			
Diallate.			
Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U063			
Dibenz(a,h)anthracene.			
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064			
Dibenz(a,i)pyrene.			
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066			
1,2-Dibromo-3-chloropropane.			
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
U067			
Ethylene dibromide (1,2-Dibromoethane).			
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068			
Dibromomethane.			
Dibromomethane	74-95-3	0.11	15
U069			
Di-n-butyl phthalate.			
Di-n-butyl phthalate	84-74-2	0.057	28

U070 o-Dichlorobenzene.			
o-Dichlorobenzene	95-50-1	0.088	6.0
U071 m-Dichlorobenzene.			
m-Dichlorobenzene	541-73-1	0.036	6.0
U072 p-Dichlorobenzene.			
p-Dichlorobenzene	106-46-7	0.090	6.0
U073 3,3'-Dichlorobenzidine.			
3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U074 1,4-Dichloro-2-butene.			
cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U075 Dichlorodifluoromethane.			
Dichlorodifluoromethane	75-71-8	0.23	7.2
U076 1,1-Dichloroethane.			
1,1-Dichloroethane	75-34-3	0.059	6.0
U077 1,2-Dichloroethane.			
1,2-Dichloroethane	107-06-2	0.21	6.0
U078 1,1-Dichloroethylene.			
1,1-Dichloroethylene	75-35-4	0.025	6.0

U079 1,2-Dichloroethylene. trans-1,2-Dichloroethylene	156-60-5	0.054	30
U080 Methylene chloride. Methylene chloride	75-09-2	0.089	30
U081 2,4-Dichlorophenol. 2,4-Dichlorophenol	120-83-2	0.044	14
U082 2,6-Dichlorophenol. 2,6-Dichlorophenol	87-65-0	0.044	14
U083 1,2-Dichloropropane. 1,2-Dichloropropane	78-87-5	0.85	18
U084 1,3-Dichloropropylene. cis-1,3-Dichloropropylene trans-1,3-Dichloropropylene	10061-01-5 10061-02-6	0.036 0.036	18 18
U085 1,2,3,4-Diepoxybutane 1,2,3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086 N,N'-Diethylhydrazine. N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087 O,O-Diethyl-S-methyldithiophosphate. O,O-Diethyl-S-methyldithio-phosphate	3288-58-2	CARBN; or CMBST	CMBST
U088 Diethyl phthalate. Diethyl phthalate	84-66-2	0.20	28

U089 Diethyl stilbestrol.			
Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090 Dihydrosafrole.			
Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091 3,3'-Dimethoxybenzidine.			
3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092 Dimethylamine.			
Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093 p-Dimethylaminoazobenzene.			
p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094 7,12-Dimethylbenz(a)anthracene.			
7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095 3,3'-Dimethylbenzidine.			
3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U096 α, α-Dimethyl benzyl hydroperoxide.			
α, α-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097 Dimethylcarbamoyl chloride.			
Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098 1,1-Dimethylhydrazine.			
1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099 1,2-Dimethylhydrazine.			
1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101 2,4-Dimethylphenol.			
2,4-Dimethylphenol	105-67-9	0.036	14
U102 Dimethyl phthalate.			
Dimethyl phthalate	131-11-3	0.047	28
U103 Dimethyl sulfate.			
Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105 2,4-Dinitrotoluene.			
2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene.			
2,6-Dinitrotoluene	606-20-2	0.55	28

U107 Di-n-octyl phthalate.			
Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane.			
1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate[6] standard for nonwastewaters only	123-91-1	12.0	170
U109 1,2-Diphenylhydrazine.			
1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate[6] standard for wastewaters only	122-66-7	0.087	NA
U110 Dipropylamine.			
Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111 Di-n-propylnitrosamine.			
Di-n-propylnitrosamine	621-64-7	0.40	14
U112 Ethyl acetate.			
Ethyl acetate	141-78-6	0.34	33
U113 Ethyl acrylate.			
Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U114 Ethylenebisdithiocarbamic acid salts and esters.			
Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115 Ethylene oxide.			
Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
Ethylene oxide; alternate[6] standard for wastewaters only	75-21-8	0.12	NA
U116 Ethylene thiourea.			
Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117 Ethyl ether.			
Ethyl ether	60-29-7	0.12	160
U118 Ethyl methacrylate.			
Ethyl methacrylate	97-63-2	0.14	160
U119 Ethyl methane sulfonate.			
Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120 Fluoranthene.			
Fluoranthene	206-44-0	0.068	3.4
U121 Trichloromonofluoromethane.			
Trichloromonofluoromethane	75-69-4	0.020	30

U122 Formaldehyde.			
Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U123 Formic acid.			
Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124 Furan.			
Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U125 Furfural.			
Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U126 Glycidylaldehyde.			
Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U127 Hexachlorobenzene.			
Hexachlorobenzene	118-74-1	0.055	10
U128 Hexachlorobutadiene.			
Hexachlorobutadiene	87-68-3	0.055	5.6
U129 Lindane.			
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066

δ-BHC	319-86-8	0.023	0.066
γ-BHC (Lindane)	58-89-9	0.0017	0.066
U130 Hexachlorocyclopentadiene.			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
U131 Hexachloroethane.			
Hexachloroethane	67-72-1	0.055	30
U132 Hexachlorophene.			
Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133 Hydrazine.			
Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride.			
Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide.			
Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U136 Cacodylic acid.			
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
U137 Indeno(1,2,3-cd)pyrene.			
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
U138 Iodomethane.			
Iodomethane	74-88-4	0.19	65

U140 Isobutyl alcohol.			
Isobutyl alcohol	78-83-1	5.6	170
U141 Isosafrole.			
Isosafrole	120-58-1	0.081	2.6
U142 Kepone.			
Kepone	143-50-8	0.0011	0.13
U143 Lasiocarpine.			
Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144 Lead acetate.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U145 Lead phosphate.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U146 Lead subacetate.			
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
U147 Maleic anhydride.			
Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U148 Maleic hydrazide.			
Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U149
Malononitrile.

Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U150
Melphalan.

Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U151
U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC

U151
U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.

Mercury	7439-97-6	NA	0.20 mg/ℓ TCLP

U151
U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.

Mercury	7439-97-6	NA	0.025 mg/ℓ TCLP

U151
All U151 (mercury) wastewater.

Mercury	7439-97-6	0.15	NA

U151
Elemental Mercury Contaminated with Radioactive Materials.

Mercury	7439-97-6	NA	AMLGM

U152
Methacrylonitrile.

Methacrylonitrile	126-98-7	0.24	84

U153
Methanethiol.

Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U154 Methanol.			
Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate[6] set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/ℓ TCLP
U155 Methapyrilene.			
Methapyrilene	91-80-5	0.081	1.5
U156 Methyl chlorocarbonate.			
Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U157 3-Methylcholanthrene.			
3-Methylcholanthrene	56-49-5	0.0055	15
U158 4,4'-Methylene bis(2-chloroaniline).			
4,4'-Methylene bis(2-chloro-aniline)	101-14-4	0.50	30
U159 Methyl ethyl ketone.			
Methyl ethyl ketone	78-93-3	0.28	36
U160 Methyl ethyl ketone peroxide.			
Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U161 Methyl isobutyl ketone.			
Methyl isobutyl ketone	108-10-1	0.14	33
U162 Methyl methacrylate.			
Methyl methacrylate	80-62-6	0.14	160

U163 N-Methyl-N'-nitro-N-nitrosoguanidine.			
N-Methyl-N'-nitro-N-nitroso-guanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164 Methylthiouracil.			
Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U165 Naphthalene.			
Naphthalene	91-20-3	0.059	5.6
U166 1,4-Naphthoquinone.			
1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167 1-Naphthylamine.			
1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168 2-Naphthylamine.			
2-Naphthylamine	91-59-8	0.52	CMBST
U169 Nitrobenzene.			
Nitrobenzene	98-95-3	0.068	14
U170 p-Nitrophenol.			
p-Nitrophenol	100-02-7	0.12	29

U171 2-Nitropropane.			
2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U172 N-Nitrosodi-n-butylamine.			
N-Nitrosodi-n-butylamine	924-16-3	0.40	17
U173 N-Nitrosodiethanolamine.			
N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174 N-Nitrosodiethylamine.			
N-Nitrosodiethylamine	55-18-5	0.40	28
U176 N-Nitroso-N-ethylurea.			
N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177 N-Nitroso-N-methylurea.			
N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U178 N-Nitroso-N-methylurethane.			
N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179 N-Nitrosopiperidine.			
N-Nitrosopiperidine	100-75-4	0.013	35

U180 N-Nitrosopyrrolidine.			
N-Nitrosopyrrolidine	930-55-2	0.013	35
U181 5-Nitro-o-toluidine.			
5-Nitro-o-toluidine	99-55-8	0.32	28
U182 Paraldehyde.			
Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183 Pentachlorobenzene.			
Pentachlorobenzene	608-93-5	0.055	10
U184 Pentachloroethane.			
Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate[6] standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185 Pentachloronitrobenzene.			
Pentachloronitrobenzene	82-68-8	0.055	4.8
U186 1,3-Pentadiene.			
1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187 Phenacetin.			
Phenacetin	62-44-2	0.081	16
U188 Phenol.			
Phenol	108-95-2	0.039	6.2

U189 Phosphorus sulfide.			
Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190 Phthalic anhydride.			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191 2-Picoline.			
2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192 Pronamide.			
Pronamide	23950-58-5	0.093	1.5
U193 1,3-Propane sultone.			
1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194 n-Propylamine.			
n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196 Pyridine.			
Pyridine	110-86-1	0.014	16

U197 p-Benzoquinone.			
p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200 Reserpine.			
Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201 Resorcinol.			
Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203 Safrole.			
Safrole	94-59-7	0.081	22
U204 Selenium dioxide.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
U205 Selenium sulfide.			
Selenium	7782-49-2	0.82	5.7 mg/ℓ TCLP
U206 Streptozotocin.			
Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207 1,2,4,5-Tetrachlorobenzene.			
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208 1,1,1,2-Tetrachloroethane.			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0

U209 1,1,2,2-Tetrachloroethane. 1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
U210 Tetrachloroethylene. Tetrachloroethylene	127-18-4	0.056	6.0
U211 Carbon tetrachloride. Carbon tetrachloride	56-23-5	0.057	6.0
U213 Tetrahydrofuran. Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214 Thallium (I) acetate. Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U215 Thallium (I) carbonate. Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U216 Thallium (I) chloride. Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U217 Thallium (I) nitrate. Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U218 Thioacetamide. Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U219 Thiourea.			
Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220 Toluene.			
Toluene	108-88-3	0.080	10
U221 Toluenediamine.			
Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222 o-Toluidine hydrochloride.			
o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223 Toluene diisocyanate.			
Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225 Bromoform (Tribromomethane).			
Bromoform (Tribromomethane)	75-25-2	0.63	15
U226 1,1,1-Trichloroethane.			
1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227 1,1,2-Trichloroethane.			
1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228 Trichloroethylene.			
Trichloroethylene	79-01-6	0.054	6.0

U234 1,3,5-Trinitrobenzene.			
1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235 tris-(2,3-Dibromopropyl)-phosphate.			
tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10
U236 Trypan Blue.			
Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237 Uracil mustard.			
Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238 Urethane (Ethyl carbamate).			
Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239 Xylenes.			
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
U240 2,4-D (2,4-Dichlorophenoxyacetic acid).			
2,4-D (2,4-Dichlorophenoxy-acetic acid)	94-75-7	0.72	10
2,4-D (2,4-Dichlorophenoxy-acetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U243 Hexachloropropylene.			
Hexachloropropylene	1888-71-7	0.035	30
U244 Thiram.			
Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246 Cyanogen bromide.			
Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247 Methoxychlor.			
Methoxychlor	72-43-5	0.25	0.18
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less.			
Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249 Zinc phosphide, Zn_3P_2, when present at concentrations of 10 percent or less.			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271 Benomyl.[10]			
Benomyl	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U278 Bendiocarb.[10]			
Bendiocarb	22781-23-3	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U279 Carbaryl.[10]			
Carbaryl	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
U280 Barban.[10]			
Barban	101-27-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U328 o-Toluidine.			
o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U353 p-Toluidine.			
p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359 2-Ethoxyethanol.			
2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364 Bendiocarb phenol.[10]			
Bendiocarb phenol	22961-82-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

U367 Carbofuran phenol.[10]			
Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U372 Carbendazim.[10]			
Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U373 Propham.[10]			
Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U387 Prosulfocarb.[10]			
Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U389 Triallate.[10]			
Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U394 A2213.[10]			
A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U395 Diethylene glycol, dicarbamate.[10]			
Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U404 Triethylamine.[10]			
Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST

U409 Thiophanate-methyl.[10]			
Thiophanate-methyl	23564-05-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U410 Thiodicarb.[10]			
Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U411 Propoxur.[10]			
Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

Notes:

1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the USEPA hazardous waste number or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/ℓ and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C, "Technology Codes and Descriptions of Technology-Based Standards". "fb" inserted between USEPA hazardous waste numbers denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. A semicolon (;) separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or based on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory

Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C for nonwastewaters; and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under Subpart O of 35 Ill. Adm. Code 724, or (3) combustion units operating under Subpart O of 35 Ill. Adm. Code 725.

12 Disposal of USEPA hazardous waste number K175 waste that has complied with all applicable Section 728.140 treatment standards must also be macroencapsulated in accordance with Table F, unless the waste is placed in either of the following types of facilities:

a) A RCRA Subtitle C monofill containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or

b) A dedicated RCRA Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (2017).

NA means not applicable.

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

Section 728.TABLE U Universal Treatment Standards (UTS)

Regulated Constituent-Common Name	CAS[1] No.	Wastewater Standard Concentration[2] (in mg/ℓ)	Nonwastewater Standard Concentration[3] (in mg/kg unless noted as "mg/ℓ TCLP")
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
o-Anisidine (2-methoxy-aniline)	90-04-0	0.010	0.66
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
α-BHC	319-84-6	0.00014	0.066
β-BHC	319-85-7	0.00014	0.066
δ-BHC	319-86-8	0.023	0.066
γ-BHC	58-89-9	0.0017	0.066
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5

Carbon disulfide	75-15-0	3.8	4.8 mg/ℓ TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (α and γ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	14
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresidine	120-71-8	0.010	0.66
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	0.75 mg/ℓ TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28

Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
1,2,3,4,6,7,8-Heptachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachloro-dibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachloro-dibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	55684-94-1	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/ℓ TCLP
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloro-aniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14

p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
1,2,3,4,6,7,8,9-Octachloro-dibenzo-p-dioxin (1,2,3,4,6,7,8,9-OCDD)	3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9-Octachloro-dibenzofuran (1,2,3,4,6,7,8,9-OCDF)	39001-02-0	0.000063	0.005
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)[8]	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	36088-22-9	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	30402-15-4	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
1,3-Phenylenediamine	108-45-2	0.010	0.66
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	41903-57-5	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	55722-27-5	0.000063	0.001

1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Tribromomethane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxyacetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/ℓ TCLP
Arsenic	7440-38-2	1.4	5.0 mg/ℓ TCLP
Barium	7440-39-3	1.2	21 mg/ℓ TCLP
Beryllium	7440-41-7	0.82	1.22 mg/ℓ TCLP
Cadmium	7440-43-9	0.69	0.11 mg/ℓ TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/ℓ TCLP
Cyanides (Total)[4]	57-12-5	1.2	590
Cyanides (Amenable)[4]	57-12-5	0.86	30
Fluoride[5]	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/ℓ TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/ℓ TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/ℓ TCLP
Nickel	7440-02-0	3.98	11 mg/ℓ TCLP
Selenium[7]	7782-49-2	0.82	5.7 mg/ℓ TCLP
Silver	7440-22-4	0.43	0.14 mg/ℓ TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/ℓ TCLP
Vanadium[5]	7440-62-2	4.3	1.6 mg/ℓ TCLP
Zinc[5]	7440-66-6	2.61	4.3 mg/ℓ TCLP

[1] CAS means Chemical Abstract Services. When the USEPA hazardous waste number or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

[2] Concentration standards for wastewaters are expressed in mg/ℓ are based on analysis of composite samples.

[3] Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of Subpart O of 35 Ill. Adm. Code 724 or Subpart O of 35 Ill. Adm. Code 725 or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

[4] Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111(a), with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

[5] These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

[6] This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the corresponding federal regulations.

[7] This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

[8] This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to USEPA hazardous waste numbers D004 through D011 only.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (2017).

(Source: Amended at 42 Ill. Reg. 24924, effective November 19, 2018)

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

PART 733
STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-8/R20-16 at 44

Ill. Reg. 15520, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11429, effective August 27, 2025; amended in R25-23 at 49 Ill. Reg. 12726, effective September 23, 2025.

SUBPART A: GENERAL

Section 733.101 Scope

a) This Part establishes requirements for managing the following:

1) Batteries, as described in Section 733.102;

2) Pesticides, as described in Section 733.103;

3) Mercury-containing equipment, as described in Section 733.104;

4) Lamps, as described in Section 733.105;

5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and

6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705 and 720 through 728.

c) Electronic Reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.102 Applicability: Batteries

a) Batteries Covered under This Part

1) The requirements of this Part apply to persons managing batteries, as described in Section 733.109, except those listed in subsection (b).

2) Spent lead-acid batteries that are not managed under Subpart G of 35 Ill. Adm. Code 726, are subject to management under this Part.

b) Batteries Not Covered under This Part. The requirements of this Part do not apply to persons managing the following batteries:

1) Spent lead-acid batteries that are managed under Subpart G of 35 Ill. Adm. Code 726;

2) Batteries, as described in Section 733.109, that are not yet wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c); or

3) Batteries, as described in Section 733.109, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) Generation of Waste Batteries

1) A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

2) An unused battery becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.103 Applicability: Pesticides

a) Pesticides Covered under This Part. The requirements of this Part apply to persons managing pesticides, as described in Section 733.109, that meet the following conditions, except those listed in subsection (b):

1) Recalled pesticides, as follows:

A) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA; 7 USC 136q(b)), including, but not limited to those owned by the registrant responsible for conducting the recall; or

B) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant; or

2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

b) Pesticides Not Covered under This Part. The requirements of this Part do not apply to persons managing the following pesticides:

1) Recalled pesticides described in subsection (a)(1) and unused pesticide products described in subsection (a)(2) that are managed by farmers in compliance with 35 Ill. Adm. Code 722.170. (35 Ill. Adm. Code 722.170 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 35 Ill. Adm. Code 721.107(b)(3).);

2) Pesticides not meeting the conditions set forth in subsection (a) must be managed in compliance with the hazardous waste regulations in 35 Ill. Adm. Code 702 through 705 and 720 through 728, except that aerosol cans, as defined in 35 Ill. Adm. Code 733.109, that contain pesticides may be managed as aerosol can universal waste under Section 733.113(e) or 733.133(e);

3) Pesticides that are not wastes under 35 Ill. Adm. Code 721, including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d); and

4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is a waste (see subsection (b)(3)) and either it is listed in Subpart D of 35 Ill. Adm. Code 721 or it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) When a Pesticide Becomes a Waste

1) A recalled pesticide described in subsection (a)(1) becomes a waste on the first date on which both of the following conditions apply:

A) The generator of the recalled pesticide agrees to participate in the recall; and

B) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

d) Pesticides That Are Not Wastes. The following pesticides are not wastes:

1) Recalled pesticides described in subsection (a)(1), provided that either of the following conditions exist:

A) The person conducting the recall has not made a decision to discard the pesticide (e.g., burn it for energy recovery). Until such a decision is made, the pesticide does not meet the definition of "solid waste"

under 35 Ill. Adm. Code 721.102; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including those of this Part. This pesticide remains subject to the requirements of FIFRA; or

B) The person conducting the recall has made a decision to use a management option that, under 35 Ill. Adm. Code 721.102, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery) or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Part. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA; and

2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard them (e.g., burn for energy recovery). These pesticides remain subject to the requirements of FIFRA.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.104 Applicability: Mercury-Containing Equipment

a) Mercury-containing equipment covered under this Part. The requirements of this Part apply to persons managing mercury-containing equipment, as described in Section 733.109, except those listed in subsection (b).

b) Mercury-containing equipment not covered under this Part. The requirements of this Part do not apply to persons managing the following mercury-containing equipment:

1) Mercury-containing equipment that is not yet waste pursuant to 35 Ill. Adm. Code 721. Subsection (c) describes when mercury-containing equipment becomes waste;

2) Mercury-containing equipment that is not hazardous waste. Mercury-containing equipment is a hazardous waste if it is a waste (see subsection (b)(1)) and it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Equipment and devices from which the mercury-containing components have been removed.

c) Generation of Waste Mercury-Containing Equipment.

1) A used mercury-containing equipment becomes a waste on the date it is discarded.

2) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(Source: Amended at 40 Ill. Reg. 12268, effective August 9, 2016)

Section 733.105 Applicability: Lamps

a) Lamps Covered under This Part. The requirements of this Part apply to persons that manage lamps, as described in Section 733.109, except those listed in subsection (b).

b) Lamps Not Covered under This Part. The requirements of this Part do not apply to persons that manage the following lamps:

1) Lamps that are not yet wastes under 35 Ill. Adm. Code 721, as provided in subsection (c); and

2) Lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

c) Generation of Waste Lamps

1) A used lamp becomes a waste on the date it is discarded.

2) An unused lamp becomes a waste on the date the handler decides to discard it.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.106 Applicability: Aerosol Cans

a) Aerosol Cans Covered under This Part. The requirements of this Part apply to persons managing aerosol cans, as described in Section 733.109, except those listed in subsection (b).

b) Aerosol Cans Not Covered under This Part. The requirements of this Part do not apply to persons managing the following types of aerosol cans:

1) Aerosol Cans That Are Not Yet Waste under 35 Ill. Adm. Code 721. Subsection (c) describes when an aerosol can becomes a waste;

2) Aerosol Cans That Are Not Hazardous Waste. An aerosol can is a hazardous waste if the aerosol can exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721 or the aerosol can contains a substance that is listed in Subpart D of 35 Ill. Adm. Code 721; and

3) Aerosol cans that meet the standard for empty containers under 35 Ill. Adm. Code 721.107.

c) Generation of Waste Aerosol Cans

1) A used aerosol can becomes a waste when it is discarded.

2) An unused aerosol can becomes a waste when the handler decides to discard it.

(Source: Former Section 733.106 repealed at 31 Ill. Reg. 1352, effective December 20, 2006; new Section 733.106 added at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.107 Applicability: Paint and Paint-related Waste

a) Paint and Paint-related Waste Covered under This Part. The requirements of this Part apply to persons that manage paint and paint-related waste, as described in Section 733.109, except those listed in subsection (b).

b) Paint and Paint-related Waste Not Covered under This Part. The requirements of this Part do not apply to the following:

1) Paint or paint-related waste that has been mixed with solvents or other materials that alter the physical properties of the paint or paint-related waste.

2) Paint or paint-related waste that is not hazardous waste. Paint or paint-related waste is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.

3) Paint and paint-related materials that are not regulated as a waste.

c) Generation of Paint and Paint-related Waste

1) Paint and paint-related waste becomes a waste on the date it is discarded.

2) Unused paint becomes a waste on the date the handler decides to discard it.

(Source: Section repealed at 22 Ill. Reg. 9874, effective June 20, 2000; new Section added at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.108 Applicability: Household and Very Small Quantity Generator Waste

a) A person that manages any of the wastes listed below may, at its option, manage the waste under the requirements of this Part.

1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109; or

2) VSQG wastes that are exempt under 35 Ill. Adm. Code 722.114 and are also of the same type as the universal wastes defined at Section 733.109.

b) A person that commingles the wastes described in subsections (a)(1) and (a)(2) together with the same type of universal waste regulated under this Part must manage the commingled waste under the requirements of this Part.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113 (a) and (c) and 733.133 (a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 through 136y).

"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.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, or paint and paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that 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 of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator,

defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512(j) (21 U.S.C. 360b(j)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 U.S.C. 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug. " This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, or paint and paint-related waste, calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104;

Lamps, as described in Section 733.105;

Aerosol cans, as described in Section 733.106; and

Paint and paint-related waste, as described in Section 733.107.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Universal waste handler does not mean:

A person that treats (except under Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under Section 733.113(e) or 733.133(e)) universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.110 Applicability

This Subpart B applies to small quantity handlers of universal waste (as defined in Section 733.109).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.111 Prohibitions

A small quantity handler of universal waste is prohibited from the following acts:

a) Disposing of universal waste; and

b) Diluting or treating universal waste, except by responding to releases as provided in Section 733.117 or by managing specific wastes as provided in Section 733.113.

Section 733.112 Notification

A small quantity handler of universal waste is not required to notify the Agency of its universal waste handling activities.

Section 733.113 Waste Management

a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries; and

3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:

A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance

with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Universal Waste Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(3)(A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.

e) Universal Waste Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:

A) Sorting aerosol cans by type;

B) Mixing intact cans in one container; and

C) Removing actuators to reduce the risk of accidental release; and

4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that

is in compliance with applicable federal, State, or local solid waste regulations.

G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A small quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The small quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.

2) The small quantity handler of universal waste must ensure that containers in which the universal waste paint and paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.

3) The small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

A) Stop the release.

B) Contain the released universal waste paint or paint-related waste.

C) Clean up and manage the released universal waste paint or paint-related waste in compliance with Section 733.137, and other materials generated from the cleanup in compliance with the Act and Board regulations.

D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of subsection (f)(1).

E) Repair any leaking container to meet the requirements of subsection (f)(1) before returning it to service.

4) Ignitable universal waste paint or paint-related waste.

A) Except for subsection (f)(4)(D), a small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

B) A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.

C) While handling ignitable universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.

D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint or paint-related waste under an approved Paint Stewardship program plan is exempt from subsection (f)(4)(A).

5) A small quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.

6) A small quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored in a manner that minimizes the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

g) If a small quantity handler of universal waste paint or paint-related waste under an approved Paint Stewardship program plan receives a shipment containing hazardous waste that is not a universal waste at a retail collection/drop-off site,

the handler must comply with the procedures specified in that plan instead of the procedures specified in Section 733.118(g).

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury-Containing Equipment", or "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each universal waste lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste - Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.115 Accumulation Time Limits

a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) are met.

b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) A small quantity handler of universal waste that accumulates universal waste must be able to demonstrate the length of time that the universal waste has been

accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:

1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3) Maintaining an on-site inventory system that identifies the date each universal waste became a waste or was received;

4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.116 Employee Training

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the types of universal waste handled at the facility.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.117 Response to Releases

a) A small quantity handler of universal waste must immediately contain all releases of universal waste and other residues from universal waste.

b) A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the material resulting from the release and must manage it in compliance with 35 Ill. Adm. Code 722.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.118 Off-Site Shipments

a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

b) If a small quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D while transporting the universal waste.

c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a small quantity handler of universal waste must package, label, mark, and placard the shipment and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:

    1) Receive the waste back when notified that the shipment has been rejected; or

    2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

f) A small quantity handler of universal waste may reject a shipment containing universal waste or a portion of a shipment containing universal waste that it has

received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

1) Send the shipment back to the originating handler; or

2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

h) If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 49 Ill. Reg. 12726, effective September 23, 2025)

Section 733.119 Tracking Universal Waste Shipments

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

Section 733.120 Exports

A small quantity handler of universal waste that sends universal waste to a foreign destination is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.130 Applicability

This Subpart C applies to large quantity handlers of universal waste (as defined in Section 733.109).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.131 Prohibitions

A large quantity handler of universal waste is prohibited from the following:

a) Disposing of universal waste; and

b) Diluting or treating universal waste, except by responding to releases, as provided in Section 733.137, or by managing specific wastes, as provided in Section 733.133.

Section 733.132 Notification

a) Written Notification of Universal Waste Management

1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.

2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and that has received a USEPA Identification Number is not required to renotify under this Section.

3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.

b) This notification must include the following:

1) The universal waste handler's name and mailing address;

2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3) The address or physical location of the universal waste management activities;

4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, aerosol cans, or paint and paint-related waste); and

5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.133 Waste Management

a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

A) Sorting batteries by type;

B) Mixing battery types in one container;

C) Discharging batteries so as to remove the electric charge;

D) Regenerating used batteries;

E) Disassembling batteries or battery packs into individual batteries or cells;

F) Removing batteries from consumer products; or

G) Removing electrolyte from batteries.

3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.

B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);

3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or

4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:

A) It removes the ampules in a manner designed to prevent breakage of the ampules;

B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;

E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

G) It stores removed ampules in closed, non-leaking containers that are in good condition; and

H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and

B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).

4) Required Hazardous Waste Determination and Further Waste Management

A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:

i) Mercury or clean-up residues resulting from spills or leaks; or

ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

d) Universal Waste Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:

A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the

crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;

B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

i) Name and address of the handler;

ii) Estimated monthly amount of lamps crushed; and

iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (d)(3)(A);

C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

e) Universal Waste Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.

2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

A) The large quantity handler may sort aerosol cans by type;

B) The large quantity handler may mix intact cans in one container; and

C) The large quantity handler may remove actuators to reduce the risk of accidental release; and

4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.

B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.

D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.

E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.

F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, and local solid waste regulations.

G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A large quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1) The large quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste, and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.

2) The large quantity handler of universal waste must ensure that containers in which the universal waste paint or paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.

3) The large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:

A) Stop the release.

B) Contain the released universal waste paint or paint-related waste.

C) Clean up and properly manage the released universal waste paint or paint-related waste, and other materials generated from the cleanup.

D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of subsection (f)(1).

E) Repair any leaking container to meet the requirements of subsection (f)(1) before returning it to service.

4) Ignitable universal waste paint or paint-related waste.

A) A large quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the large quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The large quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.

B) A large quantity handler must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The large quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.

C) While handling universal waste paint or paint-related waste, the large quantity handler must confine smoking and open flames to specifically designated locations. The large quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.

5) A large quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.

6) A large quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Batteries", or "Waste Batteries", or "Used Batteries".

b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:

1) The label that was on or accompanied the product as sold or distributed; and

2) The words "Universal Waste- -Pesticides" or "Waste - Pesticides".

c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:

1) Pesticide Labeling

A) The label that was on the product when purchased, if still legible;

B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or

C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and

2) The words "Universal Waste - Pesticides" or "Waste - Pesticides".

d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling

1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of

the following phrases: "Universal Waste - Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".

2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".

e) Each Universal waste lamp or a container or package in which the lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste - Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".

g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.135 Accumulation Time Limits

a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated or received from another handler, unless the requirements of subsection (b) are met.

b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated or received from another handler if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways:

1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2) Marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3) Maintaining an on-site inventory system that identifies the date the universal waste being accumulated became a waste or was received;

4) Maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6) Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.136 Employee Training

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.137 Response to Releases

a) A large quantity handler of universal waste must immediately contain all releases of universal waste and other residues from universal waste.

b) A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the material resulting from the release, and is subject to 35 Ill. Adm. Code 722.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.138 Off-Site Shipments

a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

b) If a large quantity handler of universal waste self-transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subpart D while transporting the universal waste.

c) If a universal waste being offered for off-site transportation meets the definition of hazardous material under USDOT regulation 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable USDOT regulations under 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must do either of the following:

    1) Receive the waste back when notified that the shipment has been rejected; or

    2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that it has received from another handler. If a handler rejects a shipment or a portion of a shipment, it must contact the originating handler to notify the originating handler of the rejection and to discuss reshipment of the load. The handler must perform either of the following actions:

1) Send the shipment back to the originating handler; or

2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the Agency (Bureau of Land, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The Agency will provide instructions for managing the hazardous waste.

h) If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 49 Ill. Reg. 12726, effective September 23, 2025)

Section 733.139 Tracking Universal Waste Shipments

a) Receipt of Shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:

1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;

2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste);

3) The date of receipt of the shipment of universal waste.

b) Shipments Off-Site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading,

movement document, or other shipping document. The record for each shipment of universal waste sent must include the following information:

1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;

2) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste); and

3) The date the shipment of universal waste left the facility.

c) Record Retention

1) A large quantity handler of universal waste must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.

2) A large quantity handler of universal waste must retain the records described in subsection (b) for at least three years from the date a shipment of universal waste left the facility.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.140 Exports

A large quantity handler of universal waste that sends universal waste to a foreign destination is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section 733.150 Applicability

This Subpart D applies to universal waste transporters (as defined in Section 733.109).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.151 Prohibitions

a) A universal waste transporter is prohibited from the following:

1) Disposing of universal waste; and

2) Diluting or treating universal waste, except by responding to releases as provided in Section 733.154 or as provided in subsection (b).

b) Transporters of mercury containing universal waste lamps may treat mercury containing lamps for volume reduction at the site where they were generated under the following conditions:

1) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;

2) The transporter must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:

A) Name and address of the transporter;

B) Estimated monthly amount of lamps crushed; and

C) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in subsection (b)(1);

3) The transporter immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;

4) The transporter ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

5) The transporter ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and

6) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.152 Waste Management

a) A universal waste transporter must comply with all applicable USDOT regulations in 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b) for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in Section 720.111(b). For purposes of the USDOT regulations, a material is considered a hazardous waste if it is subject to the Hazardous Waste Manifest Requirements of 35 Ill. Adm. Code 722. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the USDOT regulations.

b) Some universal waste materials are regulated by the USDOT as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2 (Hazardous Materials Classes and Index to Hazard Class Definitions), incorporated by reference in Section 720.111(b). As universal waste shipments do not require a manifest under 35 Ill. Adm. Code 722, they may not be described by the USDOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste".

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.153 Accumulation Time Limits

a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements of Subpart B or C while storing the universal waste.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

Section 733.154 Response to Releases

a) A universal waste transporter must immediately contain all releases of universal waste and other residues from universal wastes.

b) A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. If the waste is determined to be a hazardous waste, the transporter is subject to 35 Ill. Adm. Code 722.

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.155 Off-site Shipments

a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

b) If the universal waste being shipped off-site meets USDOT's definition of hazardous material under 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in Section 720.111(b), the shipment must be properly described on a shipping paper in accordance with the applicable USDOT regulations under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.156 Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination is subject to the requirements of Subpart H of 35 Ill. Adm. Code 722.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section 733.160 Applicability

a) The owner or operator of a destination facility (as defined in Section 733.109) is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705, 724 through 726, and 728, and the notification requirement under section 3010 of RCRA (42 USC 6930).

b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with 35 Ill. Adm. Code 721.106(c)(2).

(Source: Amended at 31 Ill. Reg. 1352, effective December 20, 2006)

Section 733.161 Off-Site Shipments

a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, it must contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must perform either of the following actions:

1) Send the shipment back to the original shipper; or

2) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the Agency (Bureau of Land, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (telephone: 217-782-6761)) of the illegal shipment, and provide the name, address, and phone number of the shipper. The Agency will provide instructions for managing the hazardous waste.

d) If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or State solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

(Source: Amended at 49 Ill. Reg. 12726, effective September 23, 2025)

Section 733.162 Tracking Universal Waste Shipments

a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:

1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;

2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing equipment, lamps, aerosol cans, or paint or paint-related waste); and

3) The date of receipt of the shipment of universal waste.

b) The owner or operator of a destination facility must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART F: IMPORT REQUIREMENTS

Section 733.170 Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the requirements of Subpart H of 35 Ill. Adm. Code 722 and the applicable requirements of this Part immediately after the waste enters the United States, as indicated in subsections (a) through (c):

a) A universal waste transporter is subject to the universal waste transporter requirements of Subpart D.

b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Subpart B or C, as applicable.

c) An owner or operator of a destination facility is subject to the destination facility requirements of Subpart E.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section 733.180 General

a) Except as provided in subsection (d), any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment as follows:

1) If USEPA has already added the waste or category of waste to federal 40 CFR 273: by identical-in-substance rulemaking, under Sections 7.2 and

22.4(a) of the Act, 35 Ill. Adm. Code 101 and 102, and 35 Ill. Adm. Code 720.120; or

2) If USEPA has not added the waste or category of waste to federal 40 CFR 273: by general rulemaking, under Sections 22.4(b) and 27 of the Act, 35 Ill. Adm. Code 101 and 102, this Subpart G, and 35 Ill. Adm. Code 720.120 and 720.123.

BOARD NOTE: The Board cannot add a hazardous waste or category of hazardous waste to this Part by general rulemaking until USEPA either authorizes the Illinois universal waste regulations or otherwise authorizes the Board to add new categories of universal waste. The Board may, however, add a waste or category of waste by identical-in-substance rulemaking.

b) Petitions for Identical-In-Substance Rulemaking

1) Any petition for identical-in-substance rulemaking under subsection (a)(1) must include a copy of the Federal Register notices of adopted amendments in which USEPA promulgated the additions to federal 40 CFR 273. The Board will evaluate any petition for identical-in-substance rulemaking based on the Federal Register notices.

2) If the petitioner desires expedited Board consideration of the proposed amendments to this Part (i.e., adoption within one year of the date of the Federal Register notice), it must explicitly request expedited consideration and set forth the arguments in favor of such consideration.

c) Petitions for General Rulemaking

1) To be successful using the general rulemaking procedure under subsection (a)(2), the petitioner must demonstrate to the satisfaction of the Board that each of the following would be true of regulation under the universal waste regulations of this Part:

A) It would be appropriate for the waste or category of waste;

B) It would improve management practices for the waste or category of waste; and

C) It would improve implementation of the hazardous waste program.

2) The petition must include the information required by 35 Ill. Adm. Code 720.120(b). The petition should also address as many of the factors listed

in Section 733.181 as are appropriate for the waste or waste category addressed in the petition.

3) The Board will evaluate petitions for general rulemaking and grant or deny the requested relief using the factors listed in Section 733.181. The decision will be based on the weight of evidence showing that regulation under this Part would fulfill the requirements of subsection (c)(1).

d) Hazardous waste pharmaceuticals are regulated by Subpart P of 35 Ill. Adm. Code 726, and USEPA's rules prohibit adding them as a category of hazardous waste for management under this Part.

(Source: Amended at 44 Ill. Reg. 15520, effective September 3, 2020)

Section 733.181 Factors for Petitions to Include Other Wastes

a) Hazardous Waste Listing or Characteristics. The waste or category of waste, as generated by a wide variety of generators, is listed in Subpart D of 35 Ill. Adm. Code 721, or (if not listed) a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721. (When a characteristic waste is added to the universal waste regulations of this Part by using a generic name to identify the waste category (e.g., batteries), the definition of universal waste in 35 Ill. Adm. Code 720.110 and Section 733.109 will be amended to include only the hazardous waste portion of the waste category (e.g., hazardous waste batteries).) Thus, only the portion of the waste stream that does exhibit one or more characteristics (i.e., is hazardous waste) is subject to the universal waste regulations of this Part;

b) Generation by a Wide Variety of Types of Facilities. The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, VSQGs, small businesses, or government organizations, as well as large industrial facilities);

c) Generation by a Large Number of Generators. The waste or category of waste is generated by a large number of generators (e.g., more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

d) Collection Systems to Ensure Close Stewardship. Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

e) Waste Management Standards and Risk to Human Health and the Environment. The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner (e.g., waste

management requirements appropriate to be added to Sections 733.113, 733.133, and 733.152; or applicable USDOT requirements) would be protective of human health and the environment during accumulation and transport;

f) Increased Likelihood of Diversion of Waste from Non-Hazardous Waste Management Systems. Regulation of the waste or category of waste pursuant to this Part will increase the likelihood that the waste will be diverted from non-hazardous waste management systems (e.g., the municipal waste stream, non-hazardous industrial or commercial waste stream, municipal sewer, or stormwater systems) to recycling, treatment, or disposal in compliance with Subtitle C of RCRA (42 USC 6921-6939e);

g) Improved Implementation of the Hazardous Waste Program. Regulation of the waste or category of waste pursuant to this Part will improve implementation of and compliance with the hazardous waste regulatory program; or

h) Such other factors as may be appropriate.

(Source: Amended at 42 Ill. Reg. 25200, effective November 19, 2018)

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

PART 738
HAZARDOUS WASTE INJECTION RESTRICTIONS

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Section

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SUBPART C: PETITION STANDARDS AND PROCEDURES

Section

738.120 Petitions to Allow Injection of a Prohibited Waste
738.121 Required Information to Support Petitions
738.122 Submission, Review, and Approval or Denial of Petitions
738.123 Review of Adjusted Standards
738.124 Termination of Approved Petition

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

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425,

effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17486, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1695, effective January 19, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 18576, effective December 7, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9161, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6835, effective April 22, 2002; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4053, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1407, effective December 20, 2006; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25244, effective November 19, 2018.

SUBPART A: GENERAL

Section 738.101 Purpose, Scope, and Applicability

a) This Part identifies hazardous wastes that are restricted from disposal into Class I injection wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.

b) The requirements of this Part apply to owners or operators of Class I hazardous waste injection wells used to inject hazardous waste.

c) Wastes otherwise prohibited from injection may continue to be injected under any of the following circumstances:

1) If USEPA has granted an extension from the effective date of a prohibition, as described in Section 738.104;

2) If the Board has granted an adjusted standard in response to a petition filed under Section 738.120; or

3) If the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code 720.110.

d) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited from injection under this Part or 35 Ill. Adm. Code 728 is not prohibited from injection if the following is true of the waste:

1) It is disposed into a non-hazardous or hazardous waste injection well, as defined under 35 Ill. Adm. Code 730.106(a); and

2) It does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.

BOARD NOTE: Derived from 40 CFR 148.1 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.102 Definitions

"Injection interval" means that part of the injection zone in which the well is screened or in which the waste is otherwise directly emplaced.

"Transmissive fault or fracture" is a fault or fracture that has sufficient permeability and vertical extent to allow fluids to move between formations.

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

BOARD NOTE: Derived from 40 CFR 148.2 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.103 Dilution Prohibited as a Substitute for Treatment

The provisions of 35 Ill. Adm. Code 728.103 apply to owners or operators of Class I hazardous waste injection wells.

BOARD NOTE: Derived from 40 CFR 148.3 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.104 Case-by-Case Extensions of an Effective Date

The owner or operator of a Class I hazardous waste injection well may submit an application to USEPA for an extension of the effective date of any applicable prohibition established under Subpart B pursuant to 40 CFR 268.5. Any extension that is granted by USEPA will be deemed an extension of the effective date of the derivative Board rule.

BOARD NOTE: Derived from 40 CFR 148.4 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.105 Waste Analysis

The generator of hazardous waste that is disposed of into a Class I injection well must comply with the applicable requirements of 35 Ill. Adm. Code 728.107(a) and (b). The owner or operator of a Class I hazardous waste injection well must comply with the applicable requirements of 35 Ill. Adm. Code 728.107(c).

BOARD NOTE: Derived from 40 CFR 148.5 (2005).

(Source: Amended at 30 Ill. Reg. 4053, effective February 23, 2006)

Section 738.106 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 1407, effective December 20, 2006)

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.110 Waste-Specific Prohibitions: Solvent Wastes

a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F001, F002, F003, F004, and F005.

b) The requirements of subsection (a) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the standards of Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension has been granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.10 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.111 Waste-Specific Prohibitions: Dioxin-Containing Wastes

a) The dioxin-containing wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F020, F021, F022, F023, F026, F027, and F028.

b) The requirements of subsection (a) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the standards of Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension has been granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.11 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.112 Waste-Specific Prohibitions: California List Wastes

a) The hazardous wastes listed in 35 Ill. Adm. Code 728.132 containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm or halogenated organic compounds at concentrations greater than or equal to 10,000 mg/kg are prohibited from underground injection.

b) The following hazardous wastes are prohibited from underground injection:

1) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/ℓ;

2) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals or compounds of metals at a concentration greater than or equal to that specified in this subsection (b)(2):

A) Arsenic or compounds (as As) 500 mg/ℓ;

B) Cadmium or compounds (as Cd) 100 mg/ℓ;

C) Chromium (VI) or compounds (as Cr VI) 500 mg/ℓ;

D) Lead or compounds (as Pb) 500 mg/ℓ;

E) Mercury or compounds (as Hg) 20 mg/ℓ;

F) Nickel or compounds (as Ni) 134 mg/ℓ;

G) Selenium or compounds (as Se) 100 mg/ℓ; and

H) Thallium or compounds (as Tl) 130 mg/ℓ;

3) Liquid hazardous waste having a pH less than or equal to two (2.0); and

4) Hazardous wastes containing halogenated organic compounds in total concentration less than 10,000 mg/kg but greater than or equal to 1,000 mg/kg.

c) The requirements of subsections (a) and (b) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728; or

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.12 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.114 Waste-Specific Prohibitions: First Third Wastes

a) Prohibitions

1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F006 (wastewaters and nonwastewaters), F008, F009, F019.

2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K001, K004, K008, K015 (wastewaters and nonwastewaters), K016 (at concentrations greater than or equal to one percent), K017, K018, K019, K020, K021 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K022 (wastewaters and nonwastewaters), K024, K030, K031, K035, K036 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K037, K044, K045, K046 (wastewaters and nonwastewaters), K047, K048, K049, K050, K051,

K052, K060 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K061 (wastewaters and nonwastewaters), K062, K069 (calcium sulfate nonwastewaters; all wastewaters; and noncalcium sulfate nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K071, K073, K083, K084, K085, K086, K087, K099, K101 (all wastewaters and nonwastewaters), K102 (all wastewaters and nonwastewaters), K103, K104, and K106.

3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following USEPA hazardous waste numbers are prohibited from underground injection: P001, P004, P005, P010, P011, P012, P015, P016, P018, P020, P030, P036, P037, P039, P041, P048, P050, P058, P059, P063, P068, P069, P070, P071, P081, P082, P084, P087, P089, P092, P094, P097, P102, P105, P108, P110, P115, P120, P122, P123, U007, U009, U010, U012, U016, U018, U019, U022, U029, U031, U036, U037, U041, U043, U044, U046, U050, U051, U053, U061, U063, U064, U066, U067, U074, U077, U078, U086, U089, U103, U105, U108, U115, U122, U124, U129, U130, U133, U134, U137, U151, U154, U155, U157, U158, U159, U171, U177, U180, U185, U188, U192, U200, U209, U210, U211, U219, U220, U221, U223, U226, U227, U228, U237, U238, U248, and U249.

b) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste number are prohibited from underground injection: K016 (at concentrations less than one percent).

c) Prohibitions

1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste number are prohibited from underground injection: F007.

2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K011 (nonwastewaters) and K013 (nonwastewaters).

d) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K011 (wastewaters), K013 (wastewaters), and K014.

e) The requirements of subsections (a) through (d) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition by USEPA as referenced in Subpart C; or

3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.14 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.115 Waste-Specific Prohibitions: Second Third Wastes

a) Prohibitions

1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F010 and F024.

2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K009 (nonwastewaters), K010, K025 (wastewaters, and nonwastewaters generated by the process described in the waste listing description, and not those generated in the course of treating wastewater forms of these wastes), K027, K028, K029 (wastewaters and nonwastewaters), K038, K039, K040, K041, K042, K043, K095 (wastewaters and nonwastewaters), K096 (wastewaters and nonwastewaters), K097, K098, K105, K113, K114, K115, and K116.

3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following USEPA hazardous waste numbers are prohibited from underground injection: P002, P003, P007, P008, P014, P026, P027, P029, P040, P043, P044, P049, P054, P057, P060, P062, P066, P067, P072, P074, P085, P098, P104, P106, P107, P111, P112, P113, P114, U002, U003, U005, U008, U011, U014, U015, U020, U021, U023, U025, U026, U028, U032, U035, U047, U049, U057, U058, U059, U060, U062, U070, U073, U080, U083, U092, U093, U094, U095, U097, U098, U099, U101, U106, U107, U109, U110, U111, U114, U116, U119, U127, U128, U131, U135, U138, U140, U142, U143, U144, U146, U147, U149, U150, U161, U162, U163, U164, U165, U168, U169, U170, U172, U173, U174, U176, U178, U179, U189, U193, U196, U203, U205, U206, U208, U213, U214, U215, U216, U217, U218, U235, U239, and U244.

b) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection pursuant to the treatment standards specified in 35 Ill. Adm. Code 728.141 and 728.143 applicable to F011 and F012 wastewaters and nonwastewaters: F011 (nonwastewaters) and F012 (nonwastewaters).

c) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste number are prohibited from underground injection: K009 (wastewaters).

d) The requirements of subsections (a) through (c) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.15 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.116 Waste-Specific Prohibitions: Third Third Wastes

a) Prohibitions

1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste numbers are prohibited from underground injection: F025 and F039 (nonwastewaters).

2) The wastes specified in 35 Ill. Adm. Code 721.132 by the following USEPA hazardous waste numbers are prohibited from underground injection: K002, K003, K005 (wastewaters and nonwastewaters), K006, K007 (wastewaters and nonwastewaters), K023, K026, K032, K033, K034, K093, K094, and K100.

3) The wastes specified in 35 Ill. Adm. Code 721.133 by the following USEPA hazardous waste numbers are prohibited from underground injection: P006, P009, P013, P017, P021, P022, P023, P024, P028, P031, P033, P034, P038, P042, P045, P046, P047, P051, P056, P064, P065, P073, P075, P076, P077, P078, P088, P093, P095, P096, P099, P101, P103, P109, P116, P118, P119, P121, U001, U004, U006, U017, U024,

U027, U030, U033, U034, U038, U039, U042, U045, U048, U052, U055, U056, U068, U069, U071, U072, U075, U076, U079, U081, U082, U084, U085, U087, U088, U090, U091, U096, U102, U112, U113, U117, U118, U120, U121, U123, U125, U126, U132, U136, U141, U145, U148, U152, U153, U156, U160, U166, U167, U181, U182, U183, U184, U186, U187, U190, U191, U194, U197, U201, U202, U204, U207, U222, U225, U234, U236, U240, U243, U246, and U247.

4) The wastes specified in 35 Ill. Adm. Code 721.121 or 721.124 by characteristic alone and designated by the following USEPA hazardous waste numbers are prohibited from underground injection: D001, D004, D005, D006, D008, D009 (wastewaters), D010, D011, D012, D013, D014, D015, D016, and D017.

b) Mixed radioactive and hazardous wastes in 35 Ill. Adm. Code 728.110, 728.111, and 728.112, which are mixed radioactive and hazardous wastes, are prohibited from underground injection.

c) Prohibitions

1) The wastes specified in 35 Ill. Adm. Code 721.131 by the following USEPA hazardous waste number are prohibited from underground injection: F039 (wastewaters).

2) The wastes specified in 35 Ill. Adm. Code 721.122, 721.123, or 721.124 as hazardous based on a characteristic alone and designated by the following USEPA hazardous waste numbers are prohibited from underground injection: D002 (wastewaters and nonwastewaters), D003 (wastewaters and nonwastewaters), D007 (wastewaters and nonwastewaters), and D009 (nonwastewaters).

d) The requirements of subsections (a) through (c) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.16 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.117 Waste-Specific Prohibitions: Newly-Listed Wastes

a) The wastes specified in Subpart D of 35 Ill. Adm. Code 721 by the following USEPA hazardous waste numbers are prohibited from underground injection: F037, F038, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K136, U328, U353, and U359.

b) The wastes specified in Subpart D of 35 Ill. Adm. Code 721 by the following USEPA hazardous waste numbers are prohibited from underground injection: K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151.

c) This subsection (c) corresponds with 40 CFR 148.17(c), removed and marked "reserved" by USEPA at 61 Fed. Reg. 15662 (April 8, 1996). This statement maintains structural consistency with USEPA rules.

d) The wastes specified in Subpart D of 35 Ill. Adm. Code 721 by the following USEPA hazardous waste numbers are prohibited from underground injection: K117, K118, K131, and K132.

e) The requirements of subsections (a) through (d) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension is granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.17 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.118 Waste-Specific Prohibitions: Newly-Listed and Identified Wastes

a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b), are prohibited from underground injection.

b) Characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.

c) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.

d) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.

e) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection: K156, K157, K158, K159, K160, K161, P127, P128, P185, P188, P189, P190, P191, P192, P194, P196, P197, P198, P199, P201, P202, P203, P204, P205, U271, U277, U278, U279, U280, U364, U365, U366, U367, U372, U373, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U387, U389, U390, U391, U392, U393, U394, U395, U396, U400, U401, U402, U403, U404, U407, U409, U410, and U411.

f) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from underground injection.

g) The wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection: D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.

h) This subsection (h) corresponds with 40 CFR 148.18(h), which USEPA has removed and marked "reserved". This statement maintains structural consistency with the federal regulations.

i) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.

j) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K174 and K175 are prohibited from underground injection.

k) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K176, K177, and K178 are prohibited from underground injection.

l) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K181 are prohibited from underground injection.

m) The requirements of subsections (a) through (l) do not apply under any of the following circumstances:

1) If the waste meets or is treated to meet the applicable standards specified in Subpart D of 35 Ill. Adm. Code 728;

2) If the Board has granted an adjusted standard in response to a petition under Subpart C; or

3) During the period of extension of the applicable effective date, if an extension has been granted by USEPA as referenced in Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.18 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section 738.120 Petitions to Allow Injection of a Prohibited Waste

a) Any person seeking an exemption from a prohibition under Subpart B for the injection of a restricted hazardous waste into an injection well or wells must submit a petition for an adjusted standard to the Board, pursuant to Subpart D of 35 Ill. Adm. Code 104, demonstrating that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This demonstration requires a showing of the following:

1) The hydrogeological and geochemical conditions at the site and the physiochemical nature of the waste stream are such that reliable predictions can be made with regard to each of the following:

A) Fluid movement conditions are such that the injected fluids will not migrate within 10,000 years in either of the following ways:

i) Vertically upward out of the injection zone; or

ii) Laterally within the injection zone to a point of discharge or interface with an underground source of drinking water (USDW), as defined in 35 Ill. Adm. Code 730; or

B) Before the injected fluids migrate out of the injection zone or to a point of discharge or interface with a USDW, the fluid will no longer be hazardous because of attenuation, transformation, or immobilization of hazardous constituents within the injection zone by hydrolysis, chemical interactions, or other means; and

2) For each well, the petition has fulfilled the following requirements:

A) It has demonstrated that the injection well's area of review complies with the substantive requirements of 35 Ill. Adm. Code 730.163;

B) It has located, identified, and ascertained the condition of all wells within the injection well's area of review (as specified in 35 Ill. Adm. Code 730.163) that penetrate the injection zone or the confining zone by use of a protocol acceptable to the Board that meets the substantive requirements of 35 Ill. Adm. Code 730.164;

C) It has provided a corrective action plan that meets the substantive requirements of 35 Ill. Adm. Code 730.164, the implementation of which will become a condition of any adjusted standard granted; and

D) It has provided the results of pressure and radioactive tracer tests performed within one year prior to submission of the petition demonstrating the mechanical integrity of the well's long string casing, injection tube, annular seal, and bottom hole cement. In cases where the petition has not been approved or denied within one year after the initial demonstration of mechanical integrity, the Board may require the owner or operator to perform the tests again and submit the results of the new tests.

BOARD NOTE: The requirements of subsection (a)(2) need not be incorporated in a permit at the time the Board grants an adjusted standard.

b) A demonstration under subsection (a)(1)(A) must identify the strata within the injection zone which will confine fluid movement above the injection interval, and it must include a showing that this strata is free of known transmissive faults of fractures and that there is a confining zone above the injection zone.

c) A demonstration under subsection (a)(1)(B) must identify the strata within the injection zone where waste transformation will be accomplished, and it must include a showing that this strata is free of known transmissive faults or fractures and that there is a confining zone above the injection zone.

d) A demonstration may include either of the following features, which will become a condition of the adjusted standard:

1) Treatment methods that the owner or operator will use to reduce the toxicity or mobility of the wastes; or

2) A monitoring plan that the owner or operator will use to enhance confidence in one or more aspects of the demonstration.

e) Any person that has been granted an adjusted standard pursuant to this Section may submit a petition for reissuance of the adjusted standard to include an additional restricted waste or wastes or to modify any conditions imposed on that adjusted standard by the Board. The Board will reissue the adjusted standard if the petitioner complies with subsections (a), (b), and (c).

f) Any person that has been granted an adjusted standard pursuant to this Section may submit a petition to modify that adjusted standard to include an additional (hazardous) waste or wastes. The Board will grant the modification if it determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that the additional waste or wastes will not interfere with the containment capability of the injection zone.

BOARD NOTE: Derived from 40 CFR 148.20 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.121 Required Information to Support Petitions

a) Information submitted in support of a Section 738.120 petition must meet the following requirements:

1) All data from waste analyses and any new testing performed by the petitioner must be approved by the Board and must provide data that are accurate, reproducible, and performed in accordance with quality assurance standards;

2) The following must be true with regard to estimation and monitoring techniques and the identification of applicable existing USEPA-certified test protocols:

A) All estimation and monitoring techniques must be approved by the Board; and

B) The petition must identify all applicable USEPA-certified test protocols in existence at the time the estimation and monitoring was performed;

3) Predictive models must have been verified and validated, must be appropriate for the specific site, waste streams, and injection conditions of the operation, and they must be calibrated for existing sites where sufficient data are available;

4) A quality assurance and quality control plan addressing all aspects of the demonstration must be provided to and approved by the Board;

5) Reasonably conservative values must be used whenever values taken from the literature or estimated on the basis of known information are used instead of site-specific measurements; and

6) An analysis must be performed to identify and assess aspects of the demonstration that contribute significantly to uncertainty. The petitioner must conduct a sensitivity analysis to determine the effect that significant uncertainty may contribute to the demonstration. The demonstration must then be based on conservative assumptions identified in the analysis.

b) Any petitioner under Section 738.120(a)(1)(A) must provide sufficient site-specific information to support the demonstration, such as the following:

1) The thickness, porosity, permeability and extent of the various strata in the injection zone;

2) The thickness, porosity, permeability, extent and continuity of the confining zone;

3) The hydraulic gradient in the injection zone;

4) The hydrostatic pressure in the injection zone; and

5) The geochemical conditions of the site.

c) In addition to the information in subsection (b), any petitioner under Section 738.120(a)(1)(B) must provide sufficient waste-specific information to ensure reasonably reliable predictions about the waste transformation. The petitioner must provide the information necessary to support the demonstration, such as the following:

1) A description of the chemical processes or other means that will lead to waste transformation; and

2) Results of laboratory experiments verifying the waste transformation.

BOARD NOTE: Derived from 40 CFR 148.21 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.122 Submission, Review, and Approval or Denial of Petitions

a) Any petition submitted to the Board, pursuant to Section 738.120(a), must include the following:

1) An identification of the specific waste or wastes and the specific injection well or wells for which the demonstration will be made;

2) A waste analysis fully describing the chemical and physical characteristics of the subject wastes;

3) Such additional information as the Board requires to support the petition pursuant to Section 738.120 and Section 738.121; and

4) This statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

b) The Board will provide public notice and an opportunity for public comment in accordance with the procedures in Subpart D of 35 Ill. Adm. Code 104.

c) An adjusted standard will apply only to the underground injection of the specific restricted waste or wastes identified in the petition into a Class I hazardous waste injection well or wells specifically identified in the petition (unless the adjusted standard is modified or reissued pursuant to Section 738.120(e) or (f)).

d) Upon request by any petitioner who obtains an adjusted standard for a well pursuant to this Subpart C, the Agency must initiate and reasonably expedite the necessary procedures to issue or reissue a permit or permits for the hazardous waste well or wells covered by the adjusted standard for a term not to exceed 10 years.

e) Each adjusted standard granted pursuant to this Part is subject to the following condition, whether or not this condition appears as part of the adjusted standard, and the Board will include this condition as part of each adjusted standard granted: "This adjusted standard does not affect the enforceability of any provisions of the Environmental Protection Act, Board rules, or other laws, except to the extent that its provisions expressly state otherwise."

BOARD NOTE: Derived from 40 CFR 148.22 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.123 Review of Adjusted Standards

a) Agency Review

1) When considering whether to reissue a permit for the operation of a Class I hazardous waste injection well, the Agency must review any adjusted standard granted by the Board pursuant to this Subpart C.

2) If the Agency determines that new information shows that the basis for granting the adjusted standard may no longer be valid, the Agency must request in writing that the permittee submit a petition to the Board to modify the adjusted standard.

3) All petitions requested by the Agency pursuant to subsection (a)(2) must be filed pursuant to Section 738.120(f). Such a petition may seek reaffirmation of the adjusted standard without modification.

4) Permittee's Failure to file a Petition, Agency Petitions Petitions for Reconsideration, and Board Reconsideration of Adjusted Standards

A) If the permittee fails to file a petition requested by the Agency under subsection (a)(2), the Agency may petition the Board for reconsideration of any adjusted standard granted under this Part at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.520 and 101.904 notwithstanding.

B) Board Review

i) The Board may conduct a plenary review of the substance of any adjusted standard on reconsideration to the same extent that it would review a new petition for an adjusted standard.

ii) The Board may treat a motion for reconsideration of an adjusted standard as a new petition under Section 738.120 and require that the full requirements of that Section and of Subpart D of 35 Ill. Adm. Code 104 apply to the proceeding, with the Agency acting as the petitioner.

b) Whenever the Board determines that the basis for approval of a petition may no longer be valid, the Board will require a new demonstration in accordance with Section 738.120.

BOARD NOTE: Derived from 40 CFR 148.23 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

Section 738.124 Termination of Approved Petition

a) Termination Through an Enforcement Action

1) An enforcement action against an owner or operator having an adjusted standard and limitation on Agency petitions for reconsideration of an adjusted standard:

A) Any person may file an enforcement action against an owner or operator of an underground injection well pursuant to Section 33 of the Environmental Protection Act for any violation of the Act or Board rules, notwithstanding the existence of any adjusted standard.

B) The Agency may petition the Board for reconsideration of any adjusted standard at any time during the effectiveness of that adjusted standard, the limitation periods of 35 Ill. Adm. Code 101.520 and 101.904 notwithstanding.

2) In any action under subsection (a)(1), if the Board finds a violation of the Act or Board regulations, the Board may terminate any adjusted standard granted under Section 738.120 for any of the following causes:

A) Noncompliance by the owner or operator with any condition of the adjusted standard;

B) The owner or operator's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or

C) A determination that new information shows that the basis for approval of the petition is no longer valid.

b) In any action under subsection (a)(1), the Board will terminate an adjusted standard granted under Section 738.120 for the following causes:

1) The petitioner's willful withholding during the review and approval of the petition of facts directly and materially relevant to the Board’s decision on the petition;

2) A determination that there has been migration from the injection zone or the well that is not in accordance with the terms of the adjusted standard, except that the Board, may at its discretion decide not to terminate where both of the following conditions are fulfilled:

A) The migration resulted from a mechanical failure of the well that can be promptly corrected through a repair to the injection well

itself or from an undetected well or conduit that can be plugged promptly; and

B) The requirements of 35 Ill. Adm. Code 730.167 are satisfied.

BOARD NOTE: Derived from 40 CFR 148.24 (2017).

(Source: Amended at 42 Ill. Reg. 25244, effective November 19, 2018)

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

PART 739
STANDARDS FOR THE MANAGEMENT OF USED OIL

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

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2274, effective January 19, 1999; amended in R04-16 at 28 Ill. Reg. 10706, effective July 19, 2004; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 4094, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1413, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 13047, effective July 14, 2008; amended in R06-20(A) at 34 Ill. Reg. 3296, effective February 25, 2010; amended in R06-20(B) at 34 Ill. Reg. 17381, effective October 29, 2010; amended in R13-15 at 37 Ill. Reg. 17963, effective October 24, 2013; amended in R17-14/R17-15/R18-12/R18-31 at 43 Ill. Reg. 667, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6101, effective May 2, 2019; amended in R25-23 at 49 Ill. Reg. 12736, effective September 23, 2025.

SUBPART A: DEFINITIONS

Section 739.100 Definitions

Terms that are defined in 35 Ill. Adm. Code 720.110, 721.101, and 731.112 have the same meanings when used in this Part.

"Aboveground tank" means a tank used to store or process used oil that is not an underground storage tank, as defined in 35 Ill. Adm. Code 280.12.

BOARD NOTE: This definition is different from the definition for "aboveground tank" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the main distinction is that the definition for this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks that contain hazardous wastes. This definition of aboveground tank is limited to this Part only.

"Classification", as used in this Part, means a short description of the waste generating activity and designation as either hazardous waste with the appropriate hazardous waste code, nonhazardous used oil, nonhazardous used oil mixture, or nonhazardous other special waste.

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

"Do-it-yourselfer used oil collection center" means any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

"Existing tank" means a tank that is used for the storage or processing of used oil and that is in operation, or for which installation had commenced on or prior to October 4, 1996. Installation will be considered to have commenced if the owner or operator had obtained all federal, state, and local approvals or permits necessary to begin installation of the tank and if either of the following had occurred:

A continuous on-site installation program had begun; or

The owner or operator had entered into contractual obligations that cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.

BOARD NOTE: This definition is similar to the definition for "Existing tank system" in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "existing tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates tanks systems that contain hazardous wastes. This definition of existing tank is limited to this Part only.

"Household 'do-it-yourselfer' used oil" means oil that is derived from households, such as used oil generated by individuals who generate used oil through the maintenance of their personal vehicles.

BOARD NOTE: Household "do-it-yourselfer" used oil is not subject to the State's special waste hauling permit requirements under Part 809.

"Household 'do-it-yourselfer' used oil generator" means an individual who generates household "do-it-yourselfer" used oil.

"New tank" means a tank that will be used to store or process used oil and for which installation had commenced after October 4, 1996.

BOARD NOTE: This definition is similar to the definition given for "New tank system" given in 35 Ill. Adm. Code 720.110. Although the meanings are similar, the definition given above for "new tank" in this Part limits the tanks to those used to store or process used oil, whereas the 720.110 definition contemplates new tanks systems that contain hazardous wastes. This definition of new tank is limited to this Part only.

"Petroleum refining facility" means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished

petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

"Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived product. Processing includes, but is not limited to the following: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining.

"Re-refining distillation bottoms" means the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

"Tank" means any stationary device, designed to contain an accumulation of used oil that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Used oil" means any oil that has been refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Used oil aggregation point" means any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons (208 ℓ). Used oil aggregation points may also accept used oil from household do-it-yourselfers.

"Used oil burner" means a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a).

"Used oil collection center" means any site or facility that is registered by the Agency to manage used oil and accepts or aggregates and stores used oil collected from used oil generators regulated under Subpart C that bring used oil to the collection center in shipments of no more than 55 gallons (208 ℓ) under the provisions of Section 739.124. Used oil collection centers may also accept used oil from household do-it-yourselfers.

"Used oil fuel marketer" means any person that conducts either of the following activities:

Directs a shipment of off-specification used oil from their facility to a used oil burner; or

First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

"Used oil generator" means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

"Used oil processor" means a facility that processes used oil.

"Used oil transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed pursuant to Section 739.120(b)(2). Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.

"Used oil transporter" means any person that transports used oil, any person that collects used oil from more than one generator and that transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products or used oil fuel.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials that are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 728.

a) Used Oil. Used oil is presumed to be recycled, unless a used oil handler disposes of used oil or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

b) Mixtures of Used Oil and Hazardous Waste

1) Listed Hazardous Waste

A) A mixture of used oil and hazardous waste that is listed in Subpart D of 35 Ill. Adm. Code 721 is subject to regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 728, rather than as used oil under this Part.

B) Rebuttable Presumption for Used Oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. An owner or operator may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

i) This rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. This presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

ii) This rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. This rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

2) Characteristic Hazardous Waste. A mixture of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristics identified in Subpart C of 35 Ill. Adm. Code 721 and a mixture of used oil and hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 is subject to the following:

A) Except as provided in subsection (b)(2)(C), regulation as hazardous waste under 35 Ill. Adm. Code 702, 703, and 720 through 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.

B) Except as provided in subsection (b)(2)(C), regulation as used oil under this Part, if the resultant mixture does not exhibit any

characteristics of hazardous waste identified under Subpart C of 35 Ill. Adm. Code 721.

C) Regulation as used oil under this Part, if the mixture is of used oil and a waste that is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.

3) VSQG Hazardous Waste. A mixture of used oil and VSQG hazardous waste regulated under 35 Ill. Adm. Code 722.114 is subject to regulation as used oil under this Part.

c) Materials Containing or Otherwise Contaminated with Used Oil

1) Except as provided in subsection (c)(2), the following is true of a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible so that no visible signs of free-flowing oil remain in or on the material:

A) The material is not used oil, so it is not subject to this Part; and

B) If applicable, the material is subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728.

2) A material containing or otherwise contaminated with used oil that is burned for energy recovery is subject to regulation as used oil under this Part.

3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

d) Mixtures of Used Oil with Products

1) Except as provided in subsection (d)(2), mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C.

e) Materials Derived from Used Oil

1) The following is true of materials that are reclaimed from used oil, which are used beneficially, and which are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants):

A) The materials are not used oil and thus are not subject to this Part; and

B) The materials are not solid wastes and are thus not subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728, as provided in 35 Ill. Adm. Code 721.103(e)(1).

2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

3) Except as provided in subsection (e)(4), the following is true of materials derived from used oil that are disposed of or used in a manner constituting disposal:

A) The materials are not used oil and thus are not subject to this Part; and

B) The materials are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 702, 703, and 720 through 728 if the materials are listed or identified as hazardous waste.

4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

f) Wastewater. Wastewater, the discharge of which is subject to regulation under either section 402 or 307(b) of the federal Clean Water Act (including wastewaters at facilities that have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

g) Used Oil Introduced into Crude Oil Pipelines or a Petroleum Refining Facility

1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the

requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.

2) Mixtures of used oil and crude oil or natural gas liquids containing less than one percent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.

3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than one percent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.

4) Except as provided in subsection (g)(5), used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.

5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.

h) Used Oil on Vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

i) Used Oil Containing PCBs. Used oil containing PCBs, as defined at 40 CFR 761.3 (Definitions), incorporated by reference at 35 Ill. Adm. Code 720.111(b), at any concentration less than 50 ppm is subject to the requirements of this Part unless, because of dilution, it is regulated under federal 40 CFR 761 as a used oil containing PCBs at 50 ppm or greater. PCB-containing used oil subject to the requirements of this Part may also be subject to the prohibitions and requirements of 40 CFR 761, including 40 CFR 761.20(d) and (e). Used oil containing PCBs at

concentrations of 50 ppm or greater is not subject to the requirements of this Part, but is subject to regulation under federal 40 CFR 761. No person may avoid these provisions by diluting used oil containing PCBs, unless otherwise specifically provided for in this Part or federal 40 CFR 761.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.111 Used Oil Specifications

Used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, is subject to regulation under this Part unless it is shown not to exceed any of the allowable levels of the constituents and properties shown in the following table. Once used oil that is to be burned for energy recovery has been shown not to exceed any allowable level and the person making that showing complies with Sections 739.172, 739.173, and 739.174(b), the used oil is no longer subject to this Part.

Used Oil Allowable Levels When Burned for Energy Recovery[1]

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100 °F minimum
Total halogens	4,000 ppm maximum[2]

FOOTNOTE: [1] The allowable levels do not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see Section 739.110(b)).

FOOTNOTE: [2] Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under Section 739.110(b)(1). Such used oil is subject to Subpart H of 35 Ill. Adm. Code 726, rather than this Part, when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

NOTE: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

(Source: Amended at 32 Ill. Reg. 13047, effective July 14, 2008)

Section 739.112 Prohibitions

a) Surface impoundment prohibition. Used oil must not be managed in surface impoundments or waste piles, unless the units are subject to regulation under 35 Ill. Adm. Code 724 or 725.

b) Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited.

c) Burning in particular units. Off-specification used oil fuel may be burned for energy recovery in only the following devices:

1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;

2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:

A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123.

3) Hazardous waste incinerators subject to regulation under Subpart O of 35 Ill. Adm. Code 724 or 725.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.113 Electronic Reporting

The filing of any document pursuant to any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Derived from 40 CFR 3, as added, and 40 CFR 271.10(b), 271.11(b), and 271.12(h) (2005), as amended at 70 Fed. Reg. 59848 (Oct. 13, 2005).

(Source: Added at 31 Ill. Reg. 1413, effective December 20, 2006)

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.120 Applicability

a) General. This Subpart C applies to all generators of used oil, except the following:

1) Household "Do-It-Yourselfer" Used Oil Generators. Household "do-it-yourselfer" used oil generators are not subject to regulation under this Part.

2) Vessels. Vessels at sea or at port are not subject to this Subpart C. For purposes of this Subpart C, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the persons removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this Subpart C once the used oil is transported ashore. The co-generators may decide among themselves which party will fulfill the requirements of this Subpart C.

3) Diesel Fuel. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this Subpart C.

4) Farmers. Farmers who generate an average of 25 gallons (95 ℓ) per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of this Part.

b) Other Applicable Provisions. A used oil generator that conducts any of the following activities is subject to the requirements of other applicable provisions of this Part, as indicated in subsections (b)(1) through (b)(5):

1) A generator that transports used oil, except under the self-transport provisions of Section 739.124(a) and (b), must also comply with Subpart E.

2) A Generator That Processes or Re-Refines Used Oil

A) Except as provided in subsection (b)(2)(B), a generator that processes or re-refines used oil must also comply with Subpart F.

B) A generator that performs the following activities is not a used oil processor, provided that the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:

i) Filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator;

ii) Separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to section 402 or 307(b) for the federal Clean Water Act (33 USC 1317 or 1342), 40 CFR 403 through 499, or 35 Ill. Adm. Code 310 or 309, governing the discharge of wastewaters;

iii) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;

iv) Draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible pursuant to Section 739.110(c); or

v) Filtering, separating, or otherwise reconditioning used oil before burning it in a space heater pursuant to Section 739.123.

3) A generator that burns off-specification used oil for energy recovery, except under the on-site space heater provisions of Section 739.123, must also comply with Subpart G.

4) A generator that directs shipments of off-specification used oil from their facility to a used oil burner or first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H.

5) A generator that disposes of used oil must also comply with Subpart I.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.121 Hazardous Waste Mixing

a) Mixtures of used oil and hazardous waste must be managed in accordance with Section 739.110(b).

b) The rebuttable presumption for used oil of Section 739.110(b)(1)(B) applies to used oil managed by generators. Under the rebuttable presumption for used oil of Section 739.110(b)(1)(B), used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste and thus must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils and fluids and certain used oils removed from refrigeration units.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.122 Used Oil Storage

A used oil generator is subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart C. A used oil generator is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for

used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart C.

a) Storage Units. A used oil generator may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

b) Condition of Units. The following must be true of containers and aboveground tanks used to store used oil at a generator facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

c) Labels

1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil".

2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil".

d) Response to Releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.22(d) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

1) Stop the release;

2) Contain the released used oil;

3) Properly clean up and manage the released used oil and other materials; and

4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.123 On-Site Burning in Space Heaters

A generator may burn used oil in used oil-fired space heaters provided that the following conditions are fulfilled:

a) The heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;

b) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and

c) The combustion gases from the heater are vented to the ambient air.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.124 Off-Site Shipments

Except as provided in subsections (a) through (c), a generator must ensure that its used oil is transported only by transporters that have obtained a USEPA identification number and an Illinois special waste identification number pursuant to 35 Ill. Adm. Code 809.

BOARD NOTE: A generator that qualifies for an exemption under subsections (a) through (c) may still be subject to the State's special waste hauling permit requirements under 35 Ill. Adm. Code 809.

a) Self-Transportation of Small Amounts to Registered Collection Centers. A generator may transport, without a USEPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that the following conditions are fulfilled:

1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

2) The generator transports no more than 55 gallons (208 ℓ) of used oil at any time; and

3) The generator transports the used oil to a used oil collection center that has registered by written notification with the Agency to manage used oil. This notification must include information sufficient for the Agency to identify,

locate and communicate with the facility. The notification must be submitted on forms provided by the Agency.

b) Self-Transportation of Small Amounts to Aggregation Points Owned by the Generator. A generator may transport, without a USEPA identification number and an Illinois special waste identification number, used oil that is generated at the generator's site to an aggregation point provided that the following conditions are fulfilled:

1) The generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;

2) The generator transports no more than 55 gallons (208 ℓ) of used oil at any time; and

3) The generator transports the used oil to an aggregation point that is owned or operated by the same generator.

c) Tolling Arrangements. A used oil generator may arrange for used oil to be transported by a transporter without a USEPA identification number and an Illinois special waste identification number if the used oil is reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate the following information:

1) The type of used oil and the frequency of shipments;

2) That the vehicle used to transport the used oil to the processing facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor; and

3) That reclaimed oil will be returned to the generator.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section 739.130 Do-It-Yourselfer Used Oil Collection Centers

a) Applicability. This Section applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers. A DIY used oil collection center is any site or facility that accepts or aggregates and stores used oil collected only from household do-it-yourselfers.

b) DIY Used Oil Collection Center Requirements. Owners or operators of all DIY used oil collection centers must comply with the generator standards in Subpart C.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.131 Used Oil Collection Centers

a) Applicability. This Section applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts, aggregates or stores used oil collected from used oil generators regulated under Subpart C who bring used oil to the collection center in shipments of no more than 55 gallons (208 ℓ) under the provisions of Section 739.124(a). Used oil collection centers may also accept used oil from household do-it-yourselfers.

BOARD NOTE: A generator who qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.

b) Used Oil Collection Center Requirements. Owners or operators of all used oil collection centers must do the following:

1) Comply with the generator standards in Subpart C; and

2) Be registered by the Agency to manage used oil. The used oil collection center must register by written notification with the Agency to manage used oil. This notification must include information sufficient for the Agency to identify, locate and communicate with the facility. The notification must be submitted on forms provided by the Agency.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.132 Used Oil Aggregate Points Owned by the Generator

a) Applicability. This Section applies to owners or operators of all used oil aggregation points. A used oil aggregation point is any site or facility that accepts, aggregates, or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons (208 ℓ) under the provisions of Section 739.124(b). A used oil aggregation point may also accept used oil from household do-it-yourselfers.

BOARD NOTE: A generator who qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.

b) Used Oil Aggregation Point Requirements. Owners or operators of all used oil aggregation points must comply with the generator standards in Subpart C.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.140 Applicability

a) General. Except as provided in subsections (a)(1) through (a)(4), this Subpart E applies to all used oil transporters. A used oil transporter is a person that transports used oil, a person that collects used oil from more than one generator and transport the collected oil, and an owner or operator of a used oil transfer facility.

1) This Subpart E does not apply to on-site transportation.

2) This Subpart E does not apply to a generator that transports shipments of used oil totaling 55 gallons (208 ℓ) or less from the generator to a used oil collection center as specified in Section 739.124(a).

3) This Subpart E does not apply to a generator that transports shipments of used oil totaling 55 gallons (208 ℓ) or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in Section 739.124(b).

4) This Subpart E does not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor, or burner subject to the requirements of this Part. Except as provided in subsections (a)(1) through (a)(3), this Subpart E does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

BOARD NOTE: A generator that qualifies for an exemption under Section 739.124 may still be subject to the State's special waste hauling permit requirements under Part 809.

b) Imports and Exports. A transporter that imports used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subpart E from the time the used oil enters and until the time it exits the United States.

c) Trucks Used to Transport Hazardous Waste. Unless trucks previously used to transport hazardous waste are emptied as described in 35 Ill. Adm. Code 721.107 prior to transporting used oil, the used oil is considered to have been mixed with the

hazardous waste and must be managed as hazardous waste unless, under the provisions of Section 739.110(b), the hazardous waste and used oil mixture is determined not to be hazardous waste.

d) Other Applicable Provisions. A used oil transporter that conducts the following activities are also subject to other applicable provisions of this Part as indicated in subsections (d)(1) through (d)(5):

1) A transporter that generates used oil must also comply with Subpart C;

2) A transporter that processes or re-refines used oil, except as provided in Section 739.141, must also comply with Subpart F;

3) A transporter that burns off-specification used oil for energy recovery must also comply with Subpart G;

4) A transporter that directs shipments of off-specification used oil from its facility to a used oil burner or first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H; and

5) A transporter that disposes of used oil must also comply with Subpart I.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.141 Restrictions on Transporters that Are Not Also Processors

a) A used oil transporter may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in subsection (b), a used oil transporter may not process used oil unless they also comply with the requirements for processors in Subpart F.

b) A transporter may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil derived products unless it also complies with the processor requirements in Subpart F.

c) A transporter of used oil that is removed from oil-bearing electrical transformers and turbines and which is filtered by the transporter or at a transfer facility prior to being returned to its original use is not subject to the processor and re-refiner requirements in Subpart F.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.142 Notification

a) Identification Numbers. A used oil transporter that has not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain a USEPA identification number pursuant to RCRA section 3010 and an Illinois special waste identification number.

b) Mechanics of Notification

1) A used oil transporter that has not received a USEPA identification number may obtain one by notifying the Agency of its used oil activity by submitting either of the following:

A) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) to the Agency; or BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

B) A letter to the Agency requesting a USEPA identification number. The letter should include the following information:

i) The transporter company name;

ii) The owner of the transporter company;

iii) The mailing address for the transporter;

iv) The name and telephone number for the transporter point of contact;

v) The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);

vi) The location of all transfer facilities at which used oil is stored;

vii) The name and telephone number for a contact at each transfer facility.

2) A used oil transporter that has not received an Illinois special waste identification number may obtain one pursuant to 35 Ill. Adm. Code 809 by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (217-782-6761).

(Source: Amended at 49 Ill. Reg. 12736, effective September 23, 2025)

Section 739.143 Used Oil Transportation

a) Deliveries. A used oil transporter must deliver all used oil received to one of the following:

1) Another used oil transporter, provided that the transporter has obtained a USEPA identification number and an Illinois special waste identification number;

2) A used oil processing facility that has obtained a USEPA identification number and an Illinois special waste identification number;

3) An off-specification used oil burner facility that has obtained a USEPA identification number and an Illinois special waste identification number; or

4) An on-specification used oil burner facility.

b) USDOT requirements. A used oil transporter must comply with all applicable USDOT requirements in 49 CFR 171 through 180. A person transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 (Definitions and Abbreviations), incorporated by reference in 35 Ill. Adm. Code 720.111(b), must comply with all applicable USDOT Hazardous Materials Regulations in 49 CFR 171 (General Information, Regulations, and Definitions), 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), 173 (Shippers—General Requirements for Shipments and Packages), 174 (Carriage by Rail), 175 (Carriage by Aircraft), 176 (Carriage by Vessel), 177 (Carriage by Public Highway), 178 (Specifications for Packagings), 179 (Specifications for Tank Cars), and 180 (Continuing Qualification and Maintenance of Packagings), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

c) Used oil discharges.

1) In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

2) If a discharge of used oil occurs during transportation and an official (State or local government or a federal agency) acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by a transporter that does not have a USEPA identification number and an Illinois special waste identification number.

3) An air, rail, highway, or water transporter that has discharged used oil must do the following:

A) Give notice, if required by federal 49 CFR 171.15 (Immediate Notice of Certain Hazardous Materials Incidents), incorporated by reference in 35 Ill. Adm. Code 720.111(b), to the National Response Center (800-424-8802 or 202-426-2675); and

B) Report in writing as required by federal 49 CFR 171.16 (Detailed Hazardous Materials Incident Reports), incorporated by reference in 35 Ill. Adm. Code 720.111(b), to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590.

4) A water transporter that has discharged used oil must give notice as required by federal 33 CFR 153.203 (Procedure for the Notice of Discharge), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

5) A transporter must clean up any used oil discharge that occurs during transportation or take such action as may be required or approved by federal, state, or local officials so that the used oil discharge no longer presents a hazard to human health or the environment.

(Source: Amended at 32 Ill. Reg. 13047, effective July 14, 2008)

Section 739.144 Rebuttable Presumption for Used Oil

a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(B), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.

b) The transporter must make this determination by the following means:

1) Testing the used oil; or

2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.

c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain

significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

1) The rebuttable presumption does not apply to metalworking oils and fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.

2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

d) Record Retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) must be maintained by the transporter for at least three years.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.145 Used Oil Storage at Transfer Facilities

A used oil transporter is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart E. A used oil transporter is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

a) Applicability. This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation-related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. A transfer facility that store used oil for more than 35 days are subject to regulation under Subpart F.

b) Storage Units. An owner or operator of a used oil transfer facility may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

c) Condition of Units. The following must be true of containers and aboveground tanks used to store used oil at a transfer facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

d) Secondary Containment for Containers. Containers used to store used oil at a transfer facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

e) Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at a transfer facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store used oil at a transfer facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

g) Labels

1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil".

2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil".

h) Response to Releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, an owner or operator of a transfer facility must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.45(h) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

1) Stop the release;

2) Contain the released used oil;

3) Properly clean up and manage the released used oil and other materials; and

4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.146 Tracking

a) Acceptance. A used oil transporter must keep a record of each used oil shipment accepted for transport. Records for each shipment must include the following:

1) The name and address of the generator, transporter, or processor that provided the used oil for transport;

2) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator, transporter, or processor that provided the used oil for transport;

3) The quantity of used oil accepted;

4) The date of acceptance;

5) The signature:

A) Except as provided in subsection (a)(5)(B), the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor or re-refiner that provided the used oil for transport.

B) An intermediate rail transporter is not required to sign the record of acceptance; and

6) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Deliveries. A used oil transporter must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor, or disposal facility. Records of each delivery must include the following:

1) The name and address of the receiving facility or transporter;

2) The USEPA identification number and Illinois special waste identification number of the receiving facility or transporter;

3) The quantity of used oil delivered;

4) The date of delivery;

5) The signature:

A) Except as provided in subsection (b)(5)(B), the signature, dated upon receipt of the used oil, of a representative of the receiving facility or transporter.

B) An intermediate rail transporter is not required to sign the record of acceptance.

c) Exports of Used Oil. A used oil transporter must maintain the records described in subsections (b)(1) through (b)(4) for each shipment of used oil exported to any foreign country.

d) Record Retention. The records described in subsections (a), (b), and (c) must be maintained for at least three years.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.147 Management of Residues

Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in Section 739.110(e).

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.150 Applicability

a) The requirements of this Subpart F apply to owners and operators of facilities that process used oil. Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to the following: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining. The requirements of this Subpart F do not apply to the following:

1) A transporter that conducts incidental processing operations that occur during the normal course of transportation, as provided in Section 739.141; or

2) A burner that conducts incidental processing operations that occur during the normal course of used oil management prior to burning, as provided in Section 739.161(b).

b) Other Applicable Provisions. A used oil processor that conducts the following activities are also subject to the requirements of other applicable provisions of this Part, as indicated in subsections (b)(1) through (b)(5).

1) A processor that generates used oil must also comply with Subpart C;

2) A processor that transports used oil must also comply with Subpart E;

3) Except as provided in subsections (b)(3)(A) and (b)(3)(B), a processor that burns off-specification used oil for energy recovery must also comply with Subpart G. Processors burning used oil for energy recovery under the following conditions are not subject to Subpart G:

A) The used oil is burned in an on-site space heater that meets the requirements of Section 739.123; or

B) The used oil is burned for purposes of processing used oil, which is considered burning incidentally to used oil processing;

4) A processor that directs shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H; and

5) A processor that disposes of used oil also must comply with Subpart I.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.151 Notification

a) Identification Numbers. A used oil processor or re-refiner that has not previously complied with the notification requirements of RCRA section 3010 must obtain a USEPA identification number pursuant to RCRA section 3010 and an Illinois special waste identification number.

b) Mechanics of Notification

1) A used oil processor or re-refiner that has not received a USEPA identification number may obtain one by notifying the Agency of its used oil activity by submitting either of the following:

A) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) to the Agency; or
BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

B) A letter to the Agency requesting a USEPA identification number. The letter should include the following information:

i) The processor or re-refiner company name;

ii) The owner of the processor or re-refiner company;

iii) The mailing address for the processor or re-refiner;

iv) The name and telephone number for the processor or re-refiner point of contact;

v) The type of transport activity (i.e., transport only, transport and transfer facility, or transfer facility only);

vi) The location of all transfer facilities at which used oil is stored;

vii) The name and telephone number for a contact at each transfer facility.

2) A used oil processor or re-refiner that has not received an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (217-782-6761).

(Source: Amended at 49 Ill. Reg. 12736, effective September 23, 2025)

Section 739.152 General Facility Standards

a) Preparedness and Prevention. An owner or operator of a used oil processing or re-refining facility must comply with the following requirements:

1) Maintenance and Operation of a Facility. All facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water that could threaten human health or the environment.

2) Required Equipment. All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in this subsection (a)(2):

A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

B) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

D) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

3) Testing and Maintenance of Equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

4) Access to Communications or Alarm System

A) Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in subsection (a)(2).

B) If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (a)(2).

5) Required Aisle Space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

6) Arrangements with Local Authorities

A) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:

i) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

ii) If more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department,

and agreements with any others to provide support to the primary emergency authority;

iii) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

iv) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

B) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

b) Contingency Plan and Emergency Procedures. An owner or operator of a used oil processing or re-refining facility must comply with the following requirements:

1) Purpose and Implementation of Contingency Plan

A) Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water.

B) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil that could threaten human health or the environment.

2) Content of Contingency Plan

A) The contingency plan must describe the actions facility personnel must take to comply with subsections (b)(1) and (b)(6) in response to fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water at the facility.

B) If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with federal 40 CFR 112 or some other emergency or contingency plan exists for the facility under federal, State, or local regulation (e.g., federal 40 CFR 300 or 40 CFR 280), the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Part.

C) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to subsection (a)(6).

D) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see subsection (b)(5)), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

E) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

F) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires).

3) Copies of Contingency Plan. Copies of the contingency plan and all revisions to the plan must be disposed of as follows:

A) Maintained at the facility; and

B) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

4) Amendment of Contingency Plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever one of the following occurs:

A) Applicable regulations are revised;

B) The plan fails in an emergency;

C) The facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially

increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;

D) The list of emergency coordinators changes; or

E) The list of emergency equipment changes.

5) Emergency Coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

BOARD NOTE: USEPA cited the following as guidance: "The emergency coordinator's responsibilities are more fully spelled out in paragraph (b)(6) of this section. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of used oil handled by the facility, and type and complexity of the facility" in the note appended to corresponding 40 CFR 279.52(b)(5).

6) Emergency Procedures

A) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately do the following:

i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

ii) Notify appropriate State or local agencies with designated response roles if their help is needed.

B) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He or she may do this by observation or review of facility records or manifests and, if necessary, by chemical analyses.

C) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the

effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

D) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health, or the environment, outside the facility, he or she must report his findings as follows:

i) If his assessment indicated that evacuation of local areas may be advisable, he or she must immediately notify appropriate local authorities. He or she must be available to help appropriate officials decide whether local areas should be evacuated; and

ii) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under federal 40 CFR 300), or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report must include the following information: name and telephone number of reporter; name and address of facility; time and type of incident (e.g., release, fire); name and quantity of materials involved, to the extent known; the extent of injuries, if any; and the possible hazards to human health, or the environment, outside the facility.

E) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.

F) If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

G) Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

H) The emergency coordinator must ensure that the following occur, in the affected areas of the facility:

i) No waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed;

ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed; and

iii) The owner or operator must notify the Agency and all other appropriate State and local authorities that the facility is in compliance with subsections (b)(6)(H)(i) and (b)(6)(H)(ii) before operations are resumed in the affected areas of the facility.

I) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, it must submit a written report on the incident to USEPA Region 5. The report must include the following:

i) The name, address, and telephone number of the owner or operator;

ii) The name, address, and telephone number of the facility;

iii) The date, time, and type of incident (e.g., fire, explosion);

iv) The name and quantity of materials involved;

v) The extent of injuries, if any;

vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

vii) The estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.153 Rebuttable Presumption for Used Oil

a) To ensure that used oil is not a hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), the owner or operator of a used oil processing facility

must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

b) The owner or operator must make this determination by the following means:

1) Testing the used oil; or

2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used.

c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

1) The rebuttable presumption does not apply to metalworking oils and fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils and fluids. The presumption does apply to metalworking oils and fluids if such oils and fluids are recycled in any other manner, or disposed.

2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units if the CFC are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

(Source: Amended at 30 Ill. Reg. 4094, effective February 23, 2006)

Section 739.154 Used Oil Management

A used oil processor is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart F. A used oil processor or re-refiner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart F.

a) Management Units. A used oil processor may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

b) Condition of Units. The following must be true of containers and aboveground tanks used to store or process used oil at a processing facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

c) Secondary Containment for Containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

d) Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the

containment system from migrating out of the system to the soil, groundwater, or surface water.

e) Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels

1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil".

2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil".

g) Response to Releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a processor must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.54(g) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had

USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

1) Stop the release;

2) Contain the released used oil;

3) Properly clean up and manage the released used oil and other materials; and

4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

h) Closure

1) Aboveground Tanks. An owner or operator that stores or processes used oil in aboveground tanks must comply with the following requirements:

A) At closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h)(1)(A), then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).

2) Containers. An owner or operator that stores used oil in containers must comply with the following requirements:

A) At closure, containers holding used oils or residues of used oil must be removed from the site;

B) The owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste 35 Ill. Adm. Code 721.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.155 Analysis Plan

An owner or operator of a used oil processing or re-refining facility must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of Section 739.153 and, if applicable, Section 739.172. The owner or operator must keep the plan at the facility.

a) Rebuttable presumption for used oil in Section 739.153. At a minimum, the plan must specify the following:

1) Whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination;

2) If sample analyses are used to make this determination, the following requirements must be fulfilled:

A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either of the following:

i) One of the sampling methods in Appendix I of 35 Ill. Adm. Code 721; or

ii) A method shown to be equivalent under 35 Ill. Adm. Code 720.120 and 720.121;

B) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

C) The methods used to analyze used oil for the parameters specified in Section 739.153; and

3) The type of information that will be used to determine the halogen content of the used oil.

b) On-specification used oil fuel in Section 739.172. At a minimum, the plan must specify the following if Section 739.172 is applicable:

1) Whether sample analyses or other information will be used to make this determination;

2) If sample analyses are used to make this determination, the following must be specified:

A) The sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either of the following:

i) One of the sampling methods in Appendix I of 35 Ill. Adm. Code 721; or

ii) A method shown to be equivalent under 35 Ill. Adm. Code 720.120 and 720.121;

B) Whether used oil will be sampled and analyzed prior to or after any processing;

C) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

D) The methods used to analyze used oil for the parameters specified in Section 739.172; and

3) The type of information that will be used to make the on-specification used oil fuel determination.

(Source: Amended at 32 Ill. Reg. 13047, effective July 14, 2008)

Section 739.156 Tracking

a) Acceptance. A used oil processor must keep a record of each used oil shipment accepted for processing. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivered the used oil to the processor;

2) The name and address of the generator or processor from whom the used oil was sent for processing;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the processor;

4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent for processing;

5) The quantity of used oil accepted;

6) The date of acceptance; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Deliveries. A used oil processor must keep a record of each shipment of used oil that is delivered to another used oil burner, processor, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records of each delivery must include the following information:

1) The name and address of the transporter that delivers the used oil to the burner, processor, or disposal facility;

2) The name and address of the burner, processor, or disposal facility that will receive the used oil;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner, processor or disposal facility;

4) The USEPA identification number and Illinois special waste identification number of the burner, processor, or disposal facility that will receive the used oil;

5) The quantity of used oil shipped;

6) The date of shipment; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

c) Record Retention. The records described in subsections (a) and (b) must be maintained for at least three years.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.157 Operating Record and Reporting

a) Operating record.

1) The owner or operator must keep a written operating record at the facility.

2) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility;

A) Records and results of used oil analyses performed as described in the analysis plan required under Section 739.155; and

B) Summary reports and details of all incidents that require implementation of the contingency plan, as specified in Section 739.152(b).

b) Reporting. A used oil processor must report to USEPA Region 5, in the form of a letter, on a biennial basis (by March 1 of each even numbered year), the following information concerning used oil activities during the previous calendar year;

1) The USEPA identification number and Illinois special waste identification number, name, and address of the processor;

2) The calendar year covered by the report; and

3) The quantities of used oil accepted for processing and the manner in which the used oil is processed, including the specific processes employed.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.158 Off-Site Shipments of Used Oil

A used oil processor that initiates a shipment of used oil off-site must ship the used oil using a used oil transporter that has obtained a USEPA identification number and Illinois special waste identification number.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.159 Management of Residues

An owner or operator that generates residues from the storage, processing, or re-refining of used oil must manage the residues as specified in Section 739.110(e).

(Source: Amended at 32 Ill. Reg. 13047, effective July 14, 2008)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.160 Applicability

a) General. The requirements of this Subpart G apply to used oil burners except as specified in subsections (a)(1) and (a)(2). A used oil burner is a facility where used oil not meeting the specification requirements in Section 739.111 is burned for energy recovery in devices identified in Section 739.161(a). Facilities burning used oil for energy recovery under the following conditions are not subject to this Subpart G:

1) The used oil is burned by the generator in an on-site space heater under the provisions of Section 739.123; or

2) The used oil is burned by a processor for purposes of processing used oil, which is considered burning incidentally to used oil processing.

b) Other Applicable Provisions. A used oil burner that conducts the following activities is also subject to the indicated provisions of this Part:

1) A burner that generates used oil must also comply with Subpart C;

2) A burner that transports used oil must also comply with Subpart E;

3) Except as provided in Section 739.161(b), a burner that processes or re-refines used oil must also comply with Subpart F;

4) A burner that directs shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111 must also comply with Subpart H; and

5) A burner that disposes of used oil must comply with Subpart I.

c) Specification Fuel. This Subpart G does not apply to a person burning used oil that meets the used oil fuel specification of Section 739.111, provided that the burner complies with the requirements of Subpart H.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.161 Restriction on Burning

a) Off-specification used oil fuel may only be burned for energy recovery in the following devices:

1) Industrial furnaces identified in 35 Ill. Adm. Code 720.110;

2) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are identified as follows:

A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;

B) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

C) Used oil-fired space heaters provided that the burner meets the provisions of Section 739.123; or

3) Hazardous waste incinerators subject to regulation under Subpart O of 35 Ill. Adm. Code 724 or 725.

b) Restrictions

1) With the following exception, a used oil burner may not process used oil unless it also complies with the requirements of Subpart F.

2) A used oil burner may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.162 Notification

a) Identification Numbers. A used oil burner that has not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain a USEPA identification number pursuant to RCRA section 3010 and an Illinois special waste identification number.

b) Mechanics of Notification. A used oil burner that has not received a USEPA identification number may obtain one by notifying the Agency of its used oil activity by submitting either of the following:

1) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) to the Agency; or
BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) A letter to the Agency requesting a USEPA identification number. The letter should include the following information:

A) The burner company name;

B) The owner of the burner company;

C) The mailing address for the burner;

D) The name and telephone number for the burner point of contact;

E) The type of used oil activity; and

F) The location of the burner facility.

c) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (217-782-6761).

(Source: Amended at 49 Ill. Reg. 12736, effective September 23, 2025)

Section 739.163 Rebuttable Presumption for Used Oil

a) To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of Section 739.110(b)(1)(ii), a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

b) The used oil burner must determine if the used oil contains above or below 1,000 ppm total halogens by the following means:

1) Testing the used oil;

2) Applying knowledge of the halogen content of the used oil in light of the materials or processes used; or

3) If the used oil has been received from a processor subject to regulation under Subpart F, using information provided by the processor.

c) If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of 35 Ill. Adm. Code 721).

1) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils and fluids are recycled in any other manner, or disposed.

2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the

CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

d) Record Retention. Records of analyses conducted or information used to comply with subsections (a), (b), and (c) must be maintained by the burner for at least three years.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.164 Used Oil Storage

A used oil burner is subject to all applicable Spill Prevention, Control and Countermeasures (federal 40 CFR 112) in addition to the requirements of this Subpart G. A used oil burner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart G.

a) Storage Units. A used oil burner may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.

b) Condition of Units. The following must be true of containers and aboveground tanks used to store used oil at a burner facility:

1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration); and

2) The containers may not be leaking (no visible leaks).

c) Secondary Containment for Containers. Containers used to store used oil at a burner facility must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Dikes, berms, or retaining walls; and

B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

d) Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

e) Secondary Containment for New Aboveground Tanks. A new aboveground tank used to store used oil at burner facilities must be equipped with a secondary containment system.

1) The secondary containment system must consist of the following, at a minimum:

A) Both of the following:

i) Dikes, berms, or retaining walls; and

ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

B) An equivalent secondary containment system.

2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels

1) A container or aboveground tank used to store used oil at a burner facility must be labeled or marked clearly with the words "Used Oil".

2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil".

g) Response to Releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a burner must perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.64(g) applies to releases that "occurred after the effective date of the authorized used oil program for the State in which the release is located". The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized State in which the release is located", the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

1) Stop the release;

2) Contain the released used oil;

3) Properly clean up and manage the released used oil and other materials; and

4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.165 Tracking

a) Acceptance. A used oil burner must keep a record of each used oil shipment accepted for burning. These records may take the form of a log, invoice, manifest, bill of lading, or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivered the used oil to the burner;

2) The name and address of the generator or processor from whom the used oil was sent to the burner;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivered the used oil to the burner;

4) The USEPA identification number and Illinois special waste identification number (if applicable) of the generator or processor from whom the used oil was sent to the burner;

5) The quantity of used oil accepted;

6) The date of acceptance; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:

A) Information stating when and where the special waste was generated;

B) The classification and quantity of the special waste delivered to the transporter;

C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) Record Retention. The records described in subsection (a) must be maintained for at least three years.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.166 Notices

a) Certification. Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor, the burner must provide to the generator, transporter, or processor a one-time written and signed notice certifying the following:

1) That the burner has notified USEPA stating the location and general description of his used oil management activities; and

2) That the burner will burn the used oil only in an industrial furnace or boiler identified in Section 739.161(a).

b) Certification Retention. The certification described in subsection (a) must be maintained for three years from the date the burner last receives shipment of off-specification used oil from that generator, transporter, or processor.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.167 Management of Residues

A burner that generates residues from the storage or burning of used oil must manage the residues as specified in Section 739.110(e).

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section 739.170 Applicability

a) Any person that conducts either of the following activities is subject to the requirements of this Subpart H:

1) Directs a shipment of off-specification used oil from their facility to a used oil burner; or

2) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Section 739.111.

b) The following persons are not marketers subject to this Subpart H:

1) A used oil generator, or a transporter that transports used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from its facility to a used oil burner. However, a processor that burns some used oil fuel for purposes of processing is considered to be burning incidentally to processing. Thus, generator or transporter that directs shipments of off-specification used oil to a processor that incidentally burns used oil is not a marketer subject to this Subpart H;

2) A person that directs shipments of on-specification used oil and which is not the first person to claim the oil meets the used oil fuel specifications of Section 739.111.

c) Any person subject to the requirements of this Subpart H must also comply with one of the following:

1) Subpart C—Standards for Used Oil Generators;

2) Subpart E—Standards for Used Oil Transporters and Transfer Facilities;

3) Subpart F—Standards for Used Oil Processors and Re-refiners; or

4) Subpart G—Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.171 Prohibitions

A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner that fulfills the following conditions:

a) Has a USEPA identification number and Illinois special waste identification number; and

b) Burns the used oil in an industrial furnace or boiler identified in Section 739.161(a).

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.172 On-Specification Used Oil Fuel

a) Analysis of used oil fuel. A generator, transporter, processor, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of Section 739.111 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.

b) Record retention. A generator, transporter, processor, or burner that first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under this Part must keep copies of analyses of the used oil (or other information used to make the determination) for three years.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)

Section 739.173 Notification

a) A used oil fuel marketer subject to the requirements of this Section that has not previously complied with the notification requirements of RCRA section 3010 must comply with these requirements and obtain a USEPA identification number pursuant to RCRA section 3010 and an Illinois special waste identification number.

b) A used oil marketer that has not received a USEPA identification number may obtain one by notifying the USEPA Region 5 of its used oil activity by submitting either of the following:

1) A completed Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) to the Agency; or
BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

2) A letter to the Agency requesting a USEPA identification number. The letter should include the following information:

A) The marketer company name;

B) The owner of the marketer;

C) The mailing address for the marketer;

D) The name and telephone number for the marketer point of contact; and

E) The type of used oil activity (i.e., generator directing shipments of off-specification used oil to a burner).

c) A used oil burner that has not previously obtained an Illinois special waste identification number may obtain one by contacting the Agency at the following address: Division of Land Pollution Control, Illinois EPA, 2520 West Iles Avenue, PO Box 19276, Springfield, Illinois 62794-9276 (217-782-6761).

(Source: Amended at 49 Ill. Reg. 12736, effective September 23, 2025)

Section 739.174 Tracking

a) Off-Specification Used Oil Delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log,

invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

1) The name and address of the transporter that delivers the used oil to the burner;

2) The name and address of the burner that will receive the used oil;

3) The USEPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;

4) The USEPA identification number and Illinois special waste identification number of the burner;

5) The quantity of used oil shipped;

6) The date of shipment; and

7) If the transporter has accepted any shipment of mixtures of used oil and materials identified in 35 Ill. Adm. Code 808.121(b)(5) or (b)(6), the following:

   A) Information stating when and where the special waste was generated;

   B) The classification and quantity of the special waste delivered to the transporter;

   C) Any special handling instructions pertinent to emergency personnel in the event of an accident; and

   D) A generator's certification as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgement of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."

b) On-Specification Used Oil Delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy

recovery meets the fuel specifications under Section 739.111 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:

1) The name and address of the facility receiving the shipment;

2) The quantity of used oil fuel delivered;

3) The date of shipment or delivery; and

4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).

c) Record Retention. The records described in subsections (a) and (b) must be maintained for at least three years.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

Section 739.175 Notices

a) Certification. Before a used oil generator, transporter, or processor directs the first shipment of off-specification used oil fuel to a burner, it must obtain a one-time written and signed notice from the burner certifying the following:

1) That the burner has notified USEPA stating the location and general description of used oil management activities; and

2) That the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in Section 739.161(a).

b) Certification Retention. The certification described in subsection (a) must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

(Source: Amended at 43 Ill. Reg. 667, effective November 19, 2018)

SUBPART I: DISPOSAL OF USED OIL

Section 739.180 Applicability

The requirements of this Subpart I apply to all used oils that cannot be recycled and are therefore being disposed of.

(Source: Amended at 30 Ill. Reg. 4094, effective February 23, 2006)

Section 739.181 Disposal

a) Disposal of hazardous used oils. A used oil that is identified as a hazardous waste and which cannot be recycled in accordance with this Part must be managed in accordance with the hazardous waste management requirements of 35 Ill. Adm. Code 702, 703, and 720 through 728.

b) Disposal of non-hazardous used oils. A used oil that is not a hazardous waste and cannot be recycled under this Part must be disposed of in accordance with the requirements of 35 Ill. Adm. Code 807 through 815 and 40 CFR 257 and 258, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

(Source: Amended at 37 Ill. Reg. 17963, effective October 24, 2013)

Section 739.182 Use As a Dust Suppressant

The use of used oil as a dust suppressant is prohibited.

(Source: Amended at 28 Ill. Reg. 10706, effective July 19, 2004)