

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Number: 703.APPENDIX Proposed Action: Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R09-16/R10-4 (consolidated) rulemaking of which the amendment to Part 703 is a single segment. Also affected are 35 Ill. Adm. Code 720, 721, 722, 724, and 725, which are covered by separate Notices in this issue of the *Illinois Register*. A comprehensive description is contained in the Board's opinion and order of June 17, 2010, proposing amendments in docket R09-16/R10-4 (consolidated), which opinion and order is available from the address below.

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Pollution Control Board

This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The consolidated dockets and time periods that are involved in this proceeding are the following:

R09-16	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period July 1, 2008 through December 31, 2008 and June 15, 2010.
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R10-4	Federal RCRA Subtitle C hazardous waste amendments that occurred during the period January 1, 2009 through June 30, 2009.
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The R09-16 docket amends rules in Parts 703, 720, 721, and 722. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

October 30, 2008 (73 Fed. Reg. 64668)	USEPA amended the definition of "solid waste" rule to exclude certain reclaimed "hazardous secondary materials" (HSMs) from regulation as hazardous waste.
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

December 1, 2008 (73 Fed. Reg. 64668)	USEPA adopted a set of optional alternative hazardous waste generator requirements applicable to college and university laboratories and other facilities affiliated with colleges and universities.
December 19, 2008 (73 Fed. Reg. 77954)	USEPA added exclusion for emission-comparable fuel (ECF) to its existing excluded fuels rule, which previously excluded only "comparable fuels" and "synthesis gas fuels" from the definition of solid waste. USEPA further amended the comparable fuels exclusion to accommodate the addition of the exclusion for ECF and to make a series of technical corrections to what was previously known "syngas/comparable fuels" rule, and which is now called the "excluded fuels" rule.

In addition to the federal actions that fall within the timeframe of this docket, the Board included one additional federal action that occurred later. This additional action directly impacted one of the actions that USEPA took within the timeframe that is involved.

June 15, 2010 (75 Fed. Reg. 33712)	USEPA withdrew the ECF rule from the December 19, 2008 amendments to the excluded fuels rule. The corrective and clarifying amendments of December 19, 2008 remained unaffected by this withdrawal.
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The R10-4 docket amends rules in Parts 720, 722, 724, and 725. The amendments to the various Parts are inter-related. The following table briefly summarizes the federal actions in the update period:

June 25, 2009 (74 Fed. Reg. 30228)	USEPA amended various segments of its regulations to reflect reorganization within its various offices. Among the amendments were revisions to hazardous waste rules. USEPA changed "Office of Solid Waste" to the new name, "Office of Resource Conservation and Recovery."
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Thus, the Board is acting in this consolidated R09-16/R10-4 (consolidated) docket on the following USEPA amendments:

October 30, 2008 (73 Fed. Reg. 64668)	Amendments to the definition of "solid waste" rule.
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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

December 1, 2008 (73 Fed. Reg. 64668)	Adoption of optional alternative hazardous waste generator requirements for college and university laboratories.
December 19, 2008 (73 Fed. Reg. 77954)	Added exclusion for emission-comparable fuel (ECF) to its existing excluded fuels rule and technical corrections to the existing comparable fuels exclusion ("syngas/comparable fuels" rule), which is now called the "excluded fuels" rule.
June 25, 2009 (74 Fed. Reg. 30228)	Changed the name "Office of Solid Waste" to "Office of Resource Conservation and Recovery."
June 15, 2010 (75 Fed. Reg. 33712)	Withdrawal of the December 19, 2008 ECF rule amendments to the excluded fuels rule.

Specifically, the amendment to Part 703 implements segments of the federal amendments of October 30, 2008. The amendment designates operation under an exclusion from the definition of solid waste a class 1 permit modification that requires prior Agency approval.

Tables appear in the Board's opinion and order of June 17, 2010 in docket R09-16/R10-4 (consolidated) that list numerous corrections and amendments that are not based on current federal amendments. The tables contain deviations from the literal text of the federal amendments underlying these amendments, as well as corrections and clarifications that the Board made in the base text involved. Persons interested in the details of those corrections and amendments should refer to the June 17, 2010 opinion and order in docket R09-16/R10-4 (consolidated).

Section 22.4 of the Environmental Protection Act [415 ILCS 5/22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the IAPA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 9) Does this rulemaking contain incorporations by reference? No. Although the existing text of Part 703 includes incorporations by reference, the present amendment does not affect those segments of the text.
- 11) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R09-16/R10-4 (consolidated) and be addressed to:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Please direct inquiries to the following person and reference docket R09-16/R10-4 (consolidated):

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312/814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste.

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendment require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendment may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.
- 14) Regulatory agenda on which this rulemaking was summarized: July 2009 and January 2010

The full text of the Proposed Amendment begins on the next page:

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

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: PROHIBITIONS

Section
703.120 Prohibitions in General
703.121 RCRA Permits
703.122 Specific Inclusions in Permit Program
703.123 Specific Exclusions from Permit Program
703.124 Discharges of Hazardous Waste
703.125 Reapplying for a Permit
703.126 Initial Applications
703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
703.140 Purpose and Scope
703.141 Permits by Rule
703.150 Application by Existing HWM Facilities and Interim Status
Qualifications
703.151 Application by New HWM Facilities
703.152 Amended Part A Application
703.153 Qualifying for Interim Status
703.154 Prohibitions During Interim Status
703.155 Changes During Interim Status
703.156 Interim Status Standards
703.157 Grounds for Termination of Interim Status
703.158 Permits for Less Than an Entire Facility
703.159 Closure by Removal
703.160 Procedures for Closure Determination
703.161 Enforceable Document for Post-Closure Care

SUBPART D: APPLICATIONS

Section
703.180 Applications in General
703.181 Contents of Part A
703.182 Contents of Part B
703.183 General Information
703.184 Facility Location Information
703.185 Groundwater Protection Information
703.186 Exposure Information

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703.187 Solid Waste Management Units
703.188 Other Information
703.189 Additional Information Required to Assure Compliance with MACT
Standards
703.191 Public Participation: Pre-Application Public Notice and Meeting
703.192 Public Participation: Public Notice of Application
703.193 Public Participation: Information Repository
703.200 Specific Part B Application Information
703.201 Containers
703.202 Tank Systems
703.203 Surface Impoundments
703.204 Waste Piles
703.205 Incinerators that Burn Hazardous Waste
703.206 Land Treatment
703.207 Landfills
703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
703.209 Miscellaneous Units
703.210 Process Vents
703.211 Equipment
703.212 Drip Pads
703.213 Air Emission Controls for Tanks, Surface Impoundments, and
Containers
703.214 Post-Closure Care Permits

SUBPART E: SPECIAL FORMS OF PERMITS

Section

703.220 Emergency Permits
703.221 Alternative Compliance with the Federal NESHAPS
703.222 Incinerator Conditions Prior to Trial Burn
703.223 Incinerator Conditions During Trial Burn
703.224 Incinerator Conditions After Trial Burn
703.225 Trial Burns for Existing Incinerators
703.230 Land Treatment Demonstration
703.231 Research, Development and Demonstration Permits
703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234 Remedial Action Plans
703.238 RCRA Standardized Permits for Storage and Treatment Units

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section

703.240 Permit Denial
703.241 Establishing Permit Conditions
703.242 Noncompliance Pursuant to Emergency Permit
703.243 Monitoring
703.244 Notice of Planned Changes (Repealed)
703.245 Twenty-four Hour Reporting
703.246 Reporting Requirements
703.247 Anticipated Noncompliance
703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section

703.260 Transfer
703.270 Modification or Reissuance

703.271 Causes for Modification
703.272 Causes for Modification or Reissuance
703.273 Facility Siting
703.280 Permit Modification at the Request of the Permittee
703.281 Class 1 Modifications
703.282 Class 2 Modifications
703.283 Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

Section

703.300 Special Regulatory Format
703.301 General Information
703.302 Applying for a RAP
703.303 Getting a RAP Approved
703.304 How a RAP May Be Modified, Reissued, or Terminated
703.305 Operating Under A RAP
703.306 Obtaining a RAP for an Off-Site Location

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

SUBPART J: RCRA STANDARDIZED PERMITS
FOR STORAGE AND TREATMENT UNITS

Section

703.350 General Information About RCRA Standardized Permits
703.351 Applying for a RCRA Standardized Permit
703.352 Information That Must Be Kept at the Facility
703.353 Modifying a RCRA Standardized Permit

703. ~~Appendix~~ APPENDIX A Classification of Permit Modifications

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 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. _____, effective _____.

Section 703. ~~Appendix~~ APPENDIX A Classification of Permit Modifications

Classifications A. General Permit Provisions 11. Administrative and informational changes. 12. Correction of typographical errors. 13. 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: 1a. To provide for more frequent monitoring, reporting, or maintenance. 2b. Other changes. 5. Schedule of compliance: 1*a. Changes in interim compliance dates, with prior approval of the Agency. 3b. 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 Section 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 Section 35 Ill. Adm. Code 721.104. B. General Facility Standards 1. Changes to waste sampling or analysis methods: 1a. 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. 2d. Other changes. 2. Changes to analytical quality assurance or quality control plan: 1a. To conform with agency guidance or regulations. 2b. Other changes. 13. Changes in procedures for maintaining the operating record. 24. Changes in frequency or content of inspection schedules. 5. Changes in the training plan: 2a. That affect the type or decrease the amount of training given to employees. 1b. Other changes. 6. Contingency plan: 2a. Changes in emergency procedures (i.e., spill or release response procedures). 1b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed. 2c. Removal of equipment from emergency equipment list. 1d. 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:1a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.2b. 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 Protection1. Changes to wells:2a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.1b. 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.24. Changes in point of compliance.5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):3a. As specified in the groundwater protection standard.2b. As specified in the detection monitoring program.26. ~~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:3a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(g)(4) and 724.199.2b. Changes to a compliance~~Changes to a detection monitoring program as required by 35 Ill. Adm. Code ~~724.199(j)724.198(h)~~, unless otherwise specified in this Appendix.8. ~~Corrective action~~7. Compliance monitoring program:3a. Addition of ~~a corrective action~~compliance monitoring program as required by 35 Ill. Adm. Code ~~724.199(i)(2)724.198(g)(4) and 724.200.2724.199.2b.~~ Changes to a ~~corrective action~~compliance monitoring program as required by 35 Ill. Adm. Code ~~724.200(h)724.199(j)~~, unless otherwise specified in this Appendix.8. ~~Corrective action program:3a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.2b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.~~D. Closure1. 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.2e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.2f. 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).32. Creation of a new landfill unit as part of closure.3. Addition of the following new units to be used temporarily for closure activities:3a. Surface impoundments.3b. Incinerators.3c. Waste piles that do not comply with 35 Ill. ~~Adm.~~Adm. Code 724.350(c).2d. Waste piles that comply with 35 Ill. ~~Adm.~~Adm. Code 724.350(c).2e. 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.2g. Staging piles.E. Post-Closure11. Changes in name, address, or phone number of contact in post-closure plan.22. Extension of post-closure care period.33. Reduction in the post-closure care period.14. Changes to the expected year of final closure,

where other permit conditions are not changed.25. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.F. Containers1. Modification or addition of container units:3a. 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).2b. 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).1c. 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 waste codes 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:2a. Modification of a container unit without increasing the capacity of the unit.1b. 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):3a. That require additional or different management practices from those authorized in the permit.2b. 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. Tanks1. 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:3a. 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).2b. 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).2c. 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 waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028).22. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.13. 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 1500 gallons (5680 l),b. The facility's permitted tank capacity is not increased, andc. The replacement tank meets the same conditions in the permit.24. Modification of a tank management practice.5. Management of different wastes in tanks:3a. 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).2b. 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).1d. 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 Impoundments31. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.32. Replacement of a surface impoundment unit.23. 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.24. Modification of a surface impoundment management practice.5. Treatment, storage, or disposal of different wastes in surface impoundments:3a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.2b. 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.1c. 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).1d. 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:3a. Increase in action leakage rate.3b. Change in a specific response reducing its frequency or effectiveness.2c. 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:3a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.2b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.22. Modification of waste pile unit without increasing the capacity of the unit.13. 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.24. Modification of a waste pile management practice.5. Storage or treatment of different wastes in waste piles:3a. That require additional or different management practices or different design of the unit.2b. 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.26. 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 Piles31. Modification or addition of landfill units that result in increasing the facility's disposal capacity.32. Replacement of a landfill.33. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.24. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.25. Modification of a landfill management practice.6. Landfill different wastes:3a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.2b. 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.1c. 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).1d. 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:3a. Increase in action leakage rate.3b. Change in a specific response reducing its frequency or effectiveness.2c. 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 Treatment31. Lateral expansion of or other modification of a land treatment unit to increase area extent.22. Modification of runoff control system.33. Modify runoff control system.24. Other modification of land treatment unit component specifications or standards required in permit.5. Management of different wastes in land treatment units:3a. That require a change in permit operating conditions or unit design specifications.2b. 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:3a. Increase rate or change method of waste application.1b. Decrease rate of waste application.27. Modification of a land treatment unit management practice to change measures of pH or moisture content or to enhance microbial or chemical reactions.38. 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.39. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).310. 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.211. 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.212. Changes in background values for hazardous constituents in soil and soil-pore liquid.213. Changes in sampling, analysis, or statistical procedure.214. 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.317. 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.218. Changes in vegetative cover requirements for closure.L. Incinerators, Boilers and Industrial Furnaces31. 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.22. 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.33. 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/Cl₂, 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.24. 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:3a. 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.3b. 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.2c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.6. Burning different wastes:3a. 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.2b. 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:2a. 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.18. 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 Buildings1. Modification or addition of containment building units:3a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.2b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.22. 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:1a. The unit capacity is not increased.1b. The replacement containment building meets the same conditions in the permit.24. Modification of a containment building management practice.5. Storage or treatment of different wastes in containment buildings:3a. That require additional or different management practices.2b. That do not require additional or different management practices.N. Corrective Action31. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.22. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.23. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.0. Burden Reduction1. Approval of reduced inspection frequency for a Performance Track member facility for one of the following:1*a. A tank system pursuant to 35 Ill. Adm. Code 724.295.1*b. A container pursuant to 35 Ill. Adm. Code 724.274.1*c. A containment building pursuant to 35 Ill. Adm. Code 724.1101(c)(4).1*d. An area subject to spills pursuant to 35 Ill. Adm. Code 724.115(b)(4).12. Development of one contingency plan based on Integrated

Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).13. A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).14. A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).15. A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).Note: * indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from appendix I to 40 CFR 270.42 (~~2007~~-(2009)).

(Source: Amended at 34 Ill. Reg. _____, effective _____)
~~ILLINOIS REGISTER~~



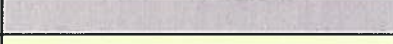
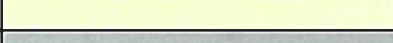

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~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENT~~

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

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

- 703.100 Scope and Relation to Other Parts
- 703.101 Purpose
- 703.102 Electronic Reporting
- 703.110 References

SUBPART B: PROHIBITIONS

Section

- 703.120 Prohibitions in General
- 703.121 RCRA Permits
- 703.122 Specific Inclusions in Permit Program
- 703.123 Specific Exclusions from Permit Program
- 703.124 Discharges of Hazardous Waste
- 703.125 Reapplying for a Permit
- 703.126 Initial Applications
- 703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section

- 703.140 Purpose and Scope
- 703.141 Permits by Rule
- 703.150 Application by Existing HWM Facilities and Interim Status Qualifications
- 703.151 Application by New HWM Facilities
- 703.152 Amended Part A Application
- 703.153 Qualifying for Interim Status
- 703.154 Prohibitions During Interim Status
- 703.155 Changes During Interim Status
- 703.156 Interim Status Standards
- 703.157 Grounds for Termination of Interim Status
- 703.158 Permits for Less Than an Entire Facility
- 703.159 Closure by Removal

- 44 703.160 Procedures for Closure Determination
- 45 703.161 Enforceable Document for Post-Closure Care

46

47 SUBPART D: APPLICATIONS

48

49 Section

- 50 703.180 Applications in General
- 51 703.181 Contents of Part A
- 52 703.182 Contents of Part B
- 53 703.183 General Information
- 54 703.184 Facility Location Information
- 55 703.185 Groundwater Protection Information
- 56 703.186 Exposure Information
- 57 703.187 Solid Waste Management Units
- 58 703.188 Other Information
- 59 703.189 Additional Information Required to Assure Compliance with MACT Standards
- 60 703.191 Public Participation: Pre-Application Public Notice and Meeting
- 61 703.192 Public Participation: Public Notice of Application
- 62 703.193 Public Participation: Information Repository
- 63 703.200 Specific Part B Application Information
- 64 703.201 Containers
- 65 703.202 Tank Systems
- 66 703.203 Surface Impoundments
- 67 703.204 Waste Piles
- 68 703.205 Incinerators that Burn Hazardous Waste
- 69 703.206 Land Treatment
- 70 703.207 Landfills
- 71 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
- 72 703.209 Miscellaneous Units
- 73 703.210 Process Vents
- 74 703.211 Equipment
- 75 703.212 Drip Pads
- 76 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers
- 77 703.214 Post-Closure Care Permits

78

79 SUBPART E: SPECIAL FORMS OF PERMITS

80

81 Section

- 82 703.220 Emergency Permits
- 83 703.221 Alternative Compliance with the Federal NESHAPS
- 84 703.222 Incinerator Conditions Prior to Trial Burn
- 85 703.223 Incinerator Conditions During Trial Burn
- 86 703.224 Incinerator Conditions After Trial Burn

130
131 SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE
132 CONTROL TECHNOLOGY (MACT) STANDARDS
133

134 Section

135 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to
136 Minimize Emissions from Startup, Shutdown, and Malfunction Events
137

138 SUBPART J: RCRA STANDARDIZED PERMITS
139 FOR STORAGE AND TREATMENT UNITS
140

141 Section

142 703.350 General Information About RCRA Standardized Permits

143 703.351 Applying for a RCRA Standardized Permit

144 703.352 Information That Must Be Kept at the Facility

145 703.353 Modifying a RCRA Standardized Permit
146

147 703.APPENDIXAppendix A Classification of Permit Modifications
148

149 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
150 Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
151

152 SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in
153 R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899,
154 effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986;
155 amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill.
156 Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective
157 December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended
158 in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.
159 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January
160 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16
161 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477,
162 effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990;
163 amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill.
164 Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September
165 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at
166 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective
167 November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended
168 in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316,
169 effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995;
170 amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-
171 3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg.
172 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective

173 September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19,
174 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24
175 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective
176 July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002;
177 amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill.
178 Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13,
179 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006;
180 amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended
181 in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34
182 Ill. Reg. _____, effective _____.

183 **Section 703.**~~APPENDIX~~**Appendix A Classification of Permit Modifications**

184

Class Modifications

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.

3. Changes in procedures for maintaining the operating record.

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 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 contact in 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 waste codes 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 waste codes. 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 1500 gallons (5680 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. 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, runoff control, or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate
collection system, leachate detection system, runoff 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 runoff control system.

- 3 3. Modify runoff 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/Cl₂, 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 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 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.

O. Burden Reduction

- 1* a. A tank system pursuant to 35 Ill. Adm. Code 724.295.
- 1* b. A container pursuant to 35 Ill. Adm. Code 724.274.
- 1* c. A containment building pursuant to 35 Ill. Adm. Code 724.1101(c)(4).
- 1* d. An area subject to spills pursuant to 35 Ill. Adm. Code 724.115(b)(4).
- 1 2. Development of one contingency plan based on Integrated Contingency Plan Guidance pursuant to 35 Ill. Adm. Code 724.152(b).
- 1 3. A change to recordkeeping and reporting requirements pursuant to any of the following: 35 Ill. Adm. Code 724.156(i), 724.443(a)(2), 724.961(b)(1) and (d), 724.962(a)(2), 724.296(f), 724.200(g), or 724.213(e)(5).
- 1 4. A change to inspection frequency for a tank system pursuant to 35 Ill. Adm. Code 724.295(b).
- 1 5. A change to a detection and compliance monitoring program pursuant to 35 Ill. Adm. Code 724.198(d), (g)(2), (g)(3), or 724.199(f) or (g).

Note: * indicates modifications requiring prior Agency approval.

185
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188

BOARD NOTE: Derived from appendix I to 40 CFR 270.42 (2009)(2007).

(Source: Amended at 34 Ill. Reg. _____, effective _____)