

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
720.110	Amend
720.111	Amend
720.122	Amend
720.130	Amend
720.133	Amend
720.134	New Section
720.142	New Section
720.143	New Section
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 720 are a single segment of the docket R09-16/R10-4 (consolidated) rulemaking that also affects 35 Ill. Adm. Code 703, 721, 722, 724, and 725, each of which is covered by a separate Notice in this issue of the *Illinois Register*. To save space, a more detailed description of the subjects and issues involved in the docket R09-16/R10-4 (consolidated) rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendment for 35 Ill. Adm. Code 703. 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.

Specifically, the amendments to Part 720 implement segments of the federal amendments of October 30, 2008. The amendments add the definitions, the procedure for non-waste determination, the legitimacy rule, and the notice requirements necessary for operation.

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).

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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
- 9) Does this rulemaking contain incorporations by reference? Yes. Section 720.111 is the centralized location of all incorporations by reference for the purposes of 35 Ill. Adm. Code 703 through 705, 720 through 728, 730, 733, 738, and 739. The present amendments update the incorporations of federal regulations by reference to the latest versions of those regulations that are available as of December 31, 2009. The amendments also add new incorporations the following documents by reference: (1) "Accreditation Council for Graduate Medical Education: Glossary of Terms," for the purposes of the alternative standards for eligible academic entities; and (2) "North American Industry Classification System," for the purposes of the amendments to the exclusions from the definition of solid waste.
- 11) Are there any other proposed rulemakings 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

POLLUTION CONTROL BOARD

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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

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 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 amendments 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 amendments 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

POLLUTION CONTROL BOARD

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

EXEMPT

JCAR350720-1011021r01

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

6 PART 720
7 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
8

9 SUBPART A: GENERAL PROVISIONS
10

11	Section	
12	720.101	Purpose, Scope, and Applicability
13	720.102	Availability of Information; Confidentiality of Information
14	720.103	Use of Number and Gender
15	720.104	Electronic Reporting
16		

17 SUBPART B: DEFINITIONS AND REFERENCES
18

19	Section	
20	720.110	Definitions
21	720.111	References
22		

23 SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES
24

25	Section	
26	720.120	Rulemaking
27	720.121	Alternative Equivalent Testing Methods
28	720.122	Waste Delisting
29	720.123	Petitions for Regulation as Universal Waste
30	720.130	Procedures for Solid Waste Determinations <u>and Non-Waste Determinations</u>
31	720.131	Solid Waste Determinations
32	720.132	Boiler Determinations
33	720.133	Procedures for Determinations
34	<u>720.134</u>	<u>Non-Waste Determinations</u>
35	720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a 36 Case-by-Case Basis
37	720.141	Procedures for Case-by-Case Regulation of Hazardous Waste Recycling 38 Activities
39	<u>720.142</u>	<u>Notification Requirement for Hazardous Secondary Materials</u>
40	<u>720.143</u>	<u>Legitimate Recycling of Hazardous Secondary Materials</u>
41		

42	720.APPENDIX A	Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations
43		

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44 AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the
 45 Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].
 46

47 SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and
 48 codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg.
 49 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24,
 50 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10
 51 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective
 52 December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended
 53 in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg.
 54 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January
 55 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16
 56 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278,
 57 effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20,
 58 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14
 59 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective
 60 May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-
 61 1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489,
 62 effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992;
 63 amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill.
 64 Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective
 65 April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in
 66 R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg.
 67 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1,
 68 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997;
 69 amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-
 70 3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at
 71 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective
 72 July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in
 73 R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266,
 74 effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9,
 75 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended
 76 in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg.
 77 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005;
 78 amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7
 79 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill.
 80 Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726,
 81 effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008;
 82 amended in R09-16/R10-4 at 34 Ill. Reg. _____, effective _____.
 83

84 SUBPART B: DEFINITIONS AND REFERENCES
 85

86 Section 720.110 Definitions

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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 in such a way 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) is able to 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 which is not a closed portion. (See also "closed portion" and "inactive portion.")

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary 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 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 responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"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 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.

"Board" means the Illinois Pollution Control Board.

130 "Boiler" means an enclosed device using controlled flame combustion and having
131 the following characteristics:

132
133 **Boiler physical characteristics.**

134
135 The unit must have physical provisions for recovering and
136 exporting thermal energy in the form of steam, heated fluids, or
137 heated gases; and the unit's combustion chamber and primary
138 energy recovery sections must be of integral design. To be of
139 integral design, the combustion chamber and the primary energy
140 recovery sections (such as waterwalls and superheaters) must be
141 physically formed into one manufactured or assembled unit. A
142 unit in which the combustion chamber and the primary energy
143 recovery sections are joined only by ducts or connections carrying
144 flue gas is not integrally designed; however, secondary energy
145 recovery equipment (such as economizers or air preheaters) need
146 not be physically formed into the same unit as the combustion
147 chamber and the primary energy recovery section. The following
148 units are not precluded from being boilers solely because they are
149 not of integral design: process heaters (units that transfer energy
150 directly to a process stream) and fluidized bed combustion units;
151 and

152
153 While in operation, the unit must maintain a thermal energy
154 recovery efficiency of at least 60 percent, calculated in terms of the
155 recovered energy compared with the thermal value of the fuel; and

156
157 The unit must export and utilize at least 75 percent of the
158 recovered energy, calculated on an annual basis. In this
159 calculation, no credit may be given for recovered heat used
160 internally in the same unit. (Examples of internal use are the
161 preheating of fuel or combustion air, and the driving of induced or
162 forced draft fans or feedwater pumps.); or

163
164 **Boiler by designation.** The unit is one that the Board has determined, on
165 a case-by-case basis, to be a boiler, after considering the standards in
166 Section 720.132.

167
168 "Carbon regeneration unit" means any enclosed thermal treatment device used to
169 regenerate spent activated carbon.

170
171 "Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass,
172 which is the visual or video display component of an electronic device. A "used,

173 intact CRT" means a CRT whose vacuum has not been released. A "used, broken
174 CRT" means glass removed from its housing or casing whose vacuum has been
175 released.
176

177 "Certification" means a statement of professional opinion based upon knowledge
178 and belief.
179

180 "Closed portion" means that portion of a facility that an owner or operator has
181 closed in accordance with the approved facility closure plan and all applicable
182 closure requirements. (See also "active portion" and "inactive portion.")
183

184 "Component" means either the tank or ancillary equipment of a tank system.
185

186 "Confined aquifer" means an aquifer bounded above and below by impermeable
187 beds or by beds of distinctly lower permeability than that of the aquifer itself; an
188 aquifer containing confined groundwater.
189

190 "Container" means any portable device in which a material is stored, transported,
191 treated, disposed of, or otherwise handled.
192

193 "Containment building" means a hazardous waste management unit that is used to
194 store or treat hazardous waste pursuant to the provisions of Subpart DD of 35 Ill.
195 Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.
196

197 "Contingency plan" means a document setting out an organized, planned and
198 coordinated course of action to be followed in case of a fire, explosion, or release
199 of hazardous waste or hazardous waste constituents that could threaten human
200 health or the environment.
201

202 "Corrosion expert" means a person who, by reason of knowledge of the physical
203 sciences and the principles of engineering and mathematics, acquired by a
204 professional education and related practical experience, is qualified to engage in
205 the practice of corrosion control on buried or submerged metal piping systems and
206 metal tanks. Such a person must be certified as being qualified by the National
207 Association of Corrosion Engineers (NACE) or be a registered professional
208 engineer who has certification or licensing that includes education and experience
209 in corrosion control on buried or submerged metal piping systems and metal
210 tanks.
211

212 "CRT collector" means a person who receives used, intact CRTs for recycling,
213 repair, resale, or donation.
214

215 "CRT glass manufacturer" means an operation or part of an operation that uses a
216 furnace to manufacture CRT glass.

217
218 "CRT processing" means conducting all of the following activities:

219
220 Receiving broken or intact CRTs;

221
222 Intentionally breaking intact CRTs or further breaking or separating
223 broken CRTs; and

224
225 Sorting or otherwise managing glass removed from CRT monitors.

226
227 "Designated facility" means either of the following entities:

228
229 A hazardous waste treatment, storage, or disposal facility that has been
230 designated on the manifest by the generator, pursuant to 35 Ill. Adm. Code
231 722.120, of which any of the following is true:

232
233 The facility has received a RCRA permit (or interim status)
234 pursuant to 35 Ill. Adm. Code 702, 703, and 705;

235
236 The facility has received a RCRA permit from USEPA pursuant to
237 40 CFR 124 and 270 (2005);

238
239 The facility has received a RCRA permit from a state authorized
240 by USEPA pursuant to 40 CFR 271 (2005); or

241
242 The facility is regulated pursuant to 35 Ill. Adm. Code
243 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; or

244
245 A generator site designated by the hazardous waste generator on the
246 manifest to receive back its own waste as a return shipment from a
247 designated hazardous waste treatment, storage, or disposal facility that has
248 rejected the waste in accordance with 35 Ill. Adm. Code 724.172(f) or
249 725.172(f).

250
251 If a waste is destined to a facility in a state other than Illinois that has been
252 authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained
253 authorization to regulate that waste as hazardous, then the designated facility
254 must be a facility allowed by the receiving state to accept such waste.

255
256 "Destination facility" means a facility that treats, disposes of, or recycles a
257 particular category of universal waste, except those management activities

258 described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A
259 facility at which a particular category of universal waste is only accumulated is
260 not a destination facility for the purposes of managing that category of universal
261 waste.

262
263 "Dike" means an embankment or ridge of either natural or manmade materials
264 used to prevent the movement of liquids, sludges, solids, or other materials.

265
266 "Dioxins and furans" or "D/F" means tetra-, penta-, hexa-, hepta-, and octa-
267 chlorinated dibenzo dioxins and furans.

268
269 "Director" means the Director of the Illinois Environmental Protection Agency.

270
271 "Discharge" or "hazardous waste discharge" means the accidental or intentional
272 spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous
273 waste into or on any land or water.

274
275 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or
276 placing of any solid waste or hazardous waste into or on any land or water so that
277 such solid waste or hazardous waste or any constituent thereof may enter the
278 environment or be emitted into the air or discharged into any waters, including
279 groundwaters.

280
281 "Disposal facility" means a facility or part of a facility at which hazardous waste
282 is intentionally placed into or on any land or water and at which waste will remain
283 after closure. The term disposal facility does not include a corrective action
284 management unit (CAMU) into which remediation wastes are placed.

285
286 "Drip pad" means an engineered structure consisting of a curbed, free-draining
287 base, constructed of non-earthen materials and designed to convey preservative
288 kick-back or drippage from treated wood, precipitation and surface water runoff to
289 an associated collection system at wood preserving plants.

290
291 "Elementary neutralization unit" means a device of which the following is true:

292
293 It is used for neutralizing wastes that are hazardous only because they
294 exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122
295 or which are listed in Subpart D of 35 Ill. Adm. Code 721 only for this
296 reason; and

297
298 It meets the definition of tank, tank system, container, transport vehicle,
299 or vessel in this Section.

300

301 "EPA hazardous waste number" or "USEPA hazardous waste number" means the
302 number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill.
303 Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm.
304 Code 721.

305
306 "EPA identification number" or "USEPA identification number" means the
307 number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to
308 each generator; transporter; and treatment, storage, or disposal facility.

309
310 "EPA region" or "USEPA region" means the states and territories found in any
311 one of the following ten regions:

312
313 Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut,
314 and Rhode Island.

315
316 Region II: New York, New Jersey, Commonwealth of Puerto Rico, and
317 the U.S. Virgin Islands.

318
319 Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia,
320 and the District of Columbia.

321
322 Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama,
323 Georgia, South Carolina, and Florida.

324
325 Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

326
327 Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

328
329 Region VII: Nebraska, Kansas, Missouri, and Iowa.

330
331 Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah,
332 and Colorado.

333
334 Region IX: California, Nevada, Arizona, Hawaii, Guam, American
335 Samoa, and Commonwealth of the Northern Mariana Islands.

336
337 Region X: Washington, Oregon, Idaho, and Alaska.

338
339 "Equivalent method" means any testing or analytical method approved by the
340 Board pursuant to Section 720.120.

341
342 "Existing hazardous waste management (HWM) facility" or "existing facility"
343 means a facility that was in operation or for which construction commenced on or

344 before November 19, 1980. A facility had commenced construction if the owner
345 or operator had obtained the federal, State, and local approvals or permits
346 necessary to begin physical construction and either of the following had occurred:
347

348 A continuous on-site, physical construction program had begun; or
349

350 The owner or operator had entered into contractual obligations that could
351 not be canceled or modified without substantial loss for physical
352 construction of the facility to be completed within a reasonable time.
353

354 "Existing portion" means that land surface area of an existing waste management
355 unit, included in the original Part A permit application, on which wastes have
356 been placed prior to the issuance of a permit.
357

358 "Existing tank system" or "existing component" means a tank system or
359 component that is used for the storage or treatment of hazardous waste and which
360 was in operation, or for which installation was commenced, on or prior to July 14,
361 1986. Installation will be considered to have commenced if the owner or operator
362 has obtained all federal, State, and local approvals or permits necessary to begin
363 physical construction of the site or installation of the tank system and if either of
364 the following is true:
365

366 A continuous on-site physical construction or installation program has
367 begun; or
368

369 The owner or operator has entered into contractual obligations that cannot
370 be canceled or modified without substantial loss for physical construction
371 of the site or installation of the tank system to be completed within a
372 reasonable time.
373

374 "Explosives or munitions emergency" means a situation involving the suspected
375 or detected presence of unexploded ordnance (UXO), damaged or deteriorated
376 explosives or munitions, an improvised explosive device (IED), other potentially
377 explosive material or device, or other potentially harmful military chemical
378 munitions or device, that creates an actual or potential imminent threat to human
379 health, including safety, or the environment, including property, as determined by
380 an explosives or munitions emergency response specialist. Such situations may
381 require immediate and expeditious action by an explosives or munitions
382 emergency response specialist to control, mitigate, or eliminate the threat.
383

384 "Explosives or munitions emergency response" means all immediate response
385 activities by an explosives and munitions emergency response specialist to
386 control, mitigate, or eliminate the actual or potential threat encountered during an

387 explosives or munitions emergency. An explosives or munitions emergency
 388 response may include in-place render-safe procedures, treatment, or destruction of
 389 the explosives or munitions or transporting those items to another location to be
 390 rendered safe, treated, or destroyed. Any reasonable delay in the completion of an
 391 explosives or munitions emergency response caused by a necessary, unforeseen,
 392 or uncontrollable circumstance will not terminate the explosives or munitions
 393 emergency. Explosives and munitions emergency responses can occur on either
 394 public or private lands and are not limited to responses at RCRA facilities.
 395

396 "Explosives or munitions emergency response specialist" means an individual
 397 trained in chemical or conventional munitions or explosives handling,
 398 transportation, render-safe procedures, or destruction techniques. Explosives or
 399 munitions emergency response specialists include United States Department of
 400 Defense (USDOD) emergency explosive ordnance disposal (EOD), technical
 401 escort unit (TEU), and USDOD-certified civilian or contractor personnel and
 402 other federal, State, or local government or civilian personnel who are similarly
 403 trained in explosives or munitions emergency responses.
 404

405 "Facility" means the following:
 406

407 All contiguous land and structures, other appurtenances, and
 408 improvements on the land used for treating, storing, or disposing of
 409 hazardous waste or for managing hazardous secondary materials prior to
 410 reclamation. A facility may consist of several treatment, storage, or
 411 disposal operational units (e.g., one or more landfills, surface
 412 impoundments, or combinations of them).
 413

414 For the purpose of implementing corrective action pursuant to 35 Ill. Adm.
 415 Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under
 416 the control of the owner or operator seeking a permit under Subtitle C of
 417 RCRA. This definition also applies to facilities implementing corrective
 418 action pursuant to RCRA section 3008(h).
 419

420 Notwithstanding the immediately-preceding paragraph of this definition, a
 421 remediation waste management site is not a facility that is subject to 35 Ill.
 422 Adm. Code 724.201, but a facility that is subject to corrective action
 423 requirements if the site is located within such a facility.
 424

425 "Federal agency" means any department, agency, or other instrumentality of the
 426 federal government, any independent agency or establishment of the federal
 427 government, including any government corporation and the Government Printing
 428 Office.
 429

430 "Federal, State, and local approvals or permits necessary to begin physical
431 construction" means permits and approvals required under federal, State, or local
432 hazardous waste control statutes, regulations, or ordinances.
433

434 "Final closure" means the closure of all hazardous waste management units at the
435 facility in accordance with all applicable closure requirements so that hazardous
436 waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no
437 longer conducted at the facility unless subject to the provisions of 35 Ill. Adm.
438 Code 722.134.
439

440 "Food-chain crops" means tobacco, crops grown for human consumption, and
441 crops grown for feed for animals whose products are consumed by humans.
442

443 "Freeboard" means the vertical distance between the top of a tank or surface
444 impoundment dike and the surface of the waste contained therein.
445

446 "Free liquids" means liquids that readily separate from the solid portion of a
447 waste under ambient temperature and pressure.
448

449 "Gasification" means, for the purpose of complying with 35 Ill. Adm. Code
450 721.104(a)(12)(A), a process conducted in an enclosed device or system that is
451 designed and operated to process petroleum feedstock, including oil-bearing
452 hazardous secondary materials, through a series of highly controlled steps
453 utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a
454 synthesis gas composed primarily of hydrogen and carbon monoxide gas.
455

456 "Generator" means any person, by site, whose act or process produces hazardous
457 waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a
458 hazardous waste to become subject to regulation.
459

460 "Groundwater" means water below the land surface in a zone of saturation.
461

462 "Hazardous secondary material" means a secondary material (e.g., spent material,
463 by-product, or sludge) that, when discarded, would be identified as hazardous
464 waste pursuant to 35 Ill. Adm. Code 721.
465

466 "Hazardous secondary material generated and reclaimed under the control of the
467 generator" means one of the following materials:
468

469 A material that is both generated and reclaimed at the generating facility
470 (for purposes of this definition, generating facility means all contiguous
471 property owned, leased, or otherwise controlled by the hazardous
472 secondary material generator);

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A material that is generated and reclaimed at different facilities, if both of the following conditions are fulfilled:

Either the reclaiming facility is controlled by the generator, or both the generating facility and the reclaiming facility are controlled by the same person, as "person" is defined in this Section; and

The generator provides either 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 the 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 purposes of this definition, "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 "person" is defined in this Section, shall not be deemed to "control" such facilities; or

A material that is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and that is reclaimed by the tolling contractor, if the tolling contractor certifies the following:

"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] that is made from specified unused materials, and that [insert tolling contractor name] will reclaim the hazardous

516 secondary materials generated during this manufacture. On behalf
517 of [insert tolling contractor name], I also certify that [insert tolling
518 contractor name] retains ownership of, and responsibility for, the
519 hazardous secondary materials that are generated during the course
520 of the manufacture, including any releases of hazardous secondary
521 materials that occur during the manufacturing process."
522

523 For purposes of this definition, "tolling contractor" means a person
524 who arranges for the production of a product or intermediate made
525 from specified unused materials through a written contract with a toll
526 manufacturer. "Toll manufacturer" means a person who produces a
527 product or intermediate made from specified unused materials pursuant
528 to a written contract with a tolling contractor.
529

530 "Hazardous secondary material generator" means any person whose act or process
531 produces hazardous secondary materials at the generating facility. For purposes
532 of this definition, "generating facility" means all contiguous property owned,
533 leased, or otherwise controlled by the hazardous secondary material generator.
534 For the purposes of Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that
535 collects hazardous secondary materials from other persons is not the hazardous
536 secondary material generator.
537

538 "Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code
539 721.103.
540

541 "Hazardous waste constituent" means a constituent that caused the hazardous
542 waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in
543 35 Ill. Adm. Code 721.124.
544

545 "Hazardous waste management unit" is a contiguous area of land on or in which
546 hazardous waste is placed, or the largest area in which there is significant
547 likelihood of mixing hazardous waste constituents in the same area. Examples of
548 hazardous waste management units include a surface impoundment, a waste pile,
549 a land treatment area, a landfill cell, an incinerator, a tank and its associated
550 piping and underlying containment system, and a container storage area. A
551 container alone does not constitute a unit; the unit includes containers, and the
552 land or pad upon which they are placed.
553

554 "Inactive portion" means that portion of a facility that is not operated after
555 November 19, 1980. (See also "active portion" and "closed portion.")
556

557 "Incinerator" means any enclosed device of which the following is true:
558

559 The facility uses controlled flame combustion, and both of the following
560 are true of the facility:

561
562 The facility does not meet the criteria for classification as a boiler,
563 sludge dryer, or carbon regeneration unit, nor

564
565 The facility is not listed as an industrial furnace; or

566
567 The facility meets the definition of infrared incinerator or plasma arc
568 incinerator.

569
570 "Incompatible waste" means a hazardous waste that is unsuitable for the
571 following:

572
573 Placement in a particular device or facility because it may cause corrosion
574 or decay of containment materials (e.g., container inner liners or tank
575 walls); or

576
577 Commingling with another waste or material under uncontrolled
578 conditions because the commingling might produce heat or pressure, fire,
579 or explosion, violent reaction, toxic dusts, mists, fumes or gases, or
580 flammable fumes or gases.

581
582 (See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill.
583 Adm. Code 725 for references that list examples.)

584
585 "Industrial furnace" means any of the following enclosed devices that are integral
586 components of manufacturing processes and that use thermal treatment to
587 accomplish recovery of materials or energy:

588
589 Cement kilns;

590
591 Lime kilns;

592
593 Aggregate kilns;

594
595 Phosphate kilns;

596
597 Coke ovens;

598
599 Blast furnaces;

600
601 Smelting, melting and refining furnaces (including pyrometallurgical

602 devices such as cupolas, reverberator furnaces, sintering machines,
603 roasters, and foundry furnaces);
604
605 Titanium dioxide chloride process oxidation reactors;
606
607 Methane reforming furnaces;
608
609 Pulping liquor recovery furnaces;
610
611 Combustion devices used in the recovery of sulfur values from spent
612 sulfuric acid;
613
614 Halogen acid furnaces (HAFs) for the production of acid from halogenated
615 hazardous waste generated by chemical production facilities where the
616 furnace is located on the site of a chemical production facility, the acid
617 product has a halogen acid content of at least three percent, the acid
618 product is used in a manufacturing process, and, except for hazardous
619 waste burned as fuel, hazardous waste fed to the furnace has a minimum
620 halogen content of 20 percent, as generated; and
621
622 Any other such device as the Agency determines to be an industrial
623 furnace on the basis of one or more of the following factors:
624
625 The design and use of the device primarily to accomplish recovery
626 of material products;
627
628 The use of the device to burn or reduce raw materials to make a
629 material product;
630
631 The use of the device to burn or reduce secondary materials as
632 effective substitutes for raw materials, in processes using raw
633 materials as principal feedstocks;
634
635 The use of the device to burn or reduce secondary materials as
636 ingredients in an industrial process to make a material product;
637
638 The use of the device in common industrial practice to produce a
639 material product; and
640
641 Other relevant factors.
642
643 "Individual generation site" means the contiguous site at or on which one or more
644 hazardous wastes are generated. An individual generation site, such as a large

645 manufacturing plant, may have one or more sources of hazardous waste but is
646 considered a single or individual generation site if the site or property is
647 contiguous.

648
649 "Infrared incinerator" means any enclosed device that uses electric powered
650 resistance heaters as a source of radiant heat followed by an afterburner using
651 controlled flame combustion and which is not listed as an industrial furnace.

652
653 "Inground tank" means a device meeting the definition of tank whereby a portion
654 of the tank wall is situated to any degree within the ground, thereby preventing
655 visual inspection of that external surface area of the tank that is in the ground.

656
657 "In operation" refers to a facility that is treating, storing, or disposing of
658 hazardous waste.

659
660 "Injection well" means a well into which fluids are being injected. (See also
661 "underground injection.")

662
663 "Inner liner" means a continuous layer of material placed inside a tank or
664 container that protects the construction materials of the tank or container from the
665 contained waste or reagents used to treat the waste.

666
667 "Installation inspector" means a person who, by reason of knowledge of the
668 physical sciences and the principles of engineering, acquired by a professional
669 education and related practical experience, is qualified to supervise the
670 installation of tank systems.

671
672 "Intermediate facility" means any facility that stores hazardous secondary
673 materials for more than 10 days and that is neither a hazardous secondary material
674 generator nor a reclaimer of hazardous secondary material.

675
676 "International shipment" means the transportation of hazardous waste into or out
677 of the jurisdiction of the United States.

678
679 "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric
680 lighting device. A lamp is specifically designed to produce radiant energy, most
681 often in the ultraviolet, visible, or infrared regions of the electromagnetic
682 spectrum. Examples of common universal waste lamps include, but are not
683 limited to, fluorescent, high intensity discharge, neon, mercury vapor, high-
684 pressure sodium, and metal halide lamps.

685
686 "Land-based unit" means an area where hazardous secondary materials are placed
687 in or on the land before recycling. This definition does not include land-based

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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; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a 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 provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"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. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of 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) originated and signed by the generator or offeror that contains the information required by Subpart B of 35 Ill. Adm. Code 722 and the applicable requirements of 35 Ill. Adm. Code 722 through 727.

731
732 "Manifest tracking number" means the alphanumeric identification number (i.e., a
733 unique three letter suffix preceded by nine numerical digits) that is pre-printed in
734 Item 4 of the manifest by a registered source.
735

736 "Mercury-containing equipment" means a device or part of a device (including
737 thermostats, but excluding batteries and lamps) that contains elemental mercury
738 integral to its function.
739

740 "Military munitions" means all ammunition products and components produced or
741 used by or for the United States Department of Defense or the United States
742 Armed Services for national defense and security, including military munitions
743 under the control of the United States Department of Defense (USDOD), the
744 United States Coast Guard, the United States Department of Energy (USDOE),
745 and National Guard personnel. The term military munitions includes: confined
746 gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot
747 control agents, smokes, and incendiaries used by USDOD components, including
748 bulk explosives and chemical warfare agents, chemical munitions, rockets, guided
749 and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition,
750 small arms ammunition, grenades, mines, torpedoes, depth charges, cluster
751 munitions and dispensers, demolition charges, and devices and components of
752 these items and devices. Military munitions do not include wholly inert items,
753 improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear
754 components of these items and devices. However, the term does include non-
755 nuclear components of nuclear devices, managed under USDOE's nuclear
756 weapons program after all sanitization operations required under the Atomic
757 Energy Act of 1954 (42 USC 2014 et seq.), as amended, have been completed.
758

759 "Mining overburden returned to the mine site" means any material overlying an
760 economic mineral deposit that is removed to gain access to that deposit and is
761 then used for reclamation of a surface mine.
762

763 "Miscellaneous unit" means a hazardous waste management unit where hazardous
764 waste is treated, stored, or disposed of and that is not a container; tank; surface
765 impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial
766 furnace; underground injection well with appropriate technical standards pursuant
767 to 35 Ill. Adm. Code 730; containment building; corrective action management
768 unit (CAMU); unit eligible for a research, development, and demonstration permit
769 pursuant to 35 Ill. Adm. Code 703.231; or staging pile.
770

771 "Movement" means hazardous waste that is transported to a facility in an
772 individual vehicle.
773

774 "NAICS Code" means the code number assigned a facility using the "North
775 American Industry Classification System", incorporated by reference in Section
776 720.111.
777

778 "New hazardous waste management facility" or "new facility" means a facility
779 that began operation, or for which construction commenced after November 19,
780 1980. (See also "Existing hazardous waste management facility.")
781

782 "New tank system" or "new tank component" means a tank system or component
783 that will be used for the storage or treatment of hazardous waste and for which
784 installation commenced after July 14, 1986; except, however, for purposes of 35
785 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for
786 which construction commenced after July 14, 1986. (See also "existing tank
787 system.")
788

789 "Onground tank" means a device meeting the definition of tank that is situated in
790 such a way that the bottom of the tank is on the same level as the adjacent
791 surrounding surfaces so that the external tank bottom cannot be visually
792 inspected.
793

794 "On-site" means the same or geographically contiguous property that may be
795 divided by public or private right-of-way, provided the entrance and exit between
796 the properties is at a crossroads intersection and access is by crossing as opposed
797 to going along the right-of-way. Noncontiguous properties owned by the same
798 person but connected by a right-of-way that the owner controls and to which the
799 public does not have access is also considered on-site property.
800

801 "Open burning" means the combustion of any material without the following
802 characteristics:

803
804 Control of combustion air to maintain adequate temperature for efficient
805 combustion;

806
807 Containment of the combustion reaction in an enclosed device to provide
808 sufficient residence time and mixing for complete combustion; and

809
810 Control of emission of the gaseous combustion products.

811
812 (See also "incineration" and "thermal treatment.")
813

814 "Operator" means the person responsible for the overall operation of a facility.
815

816 "Owner" means the person that owns a facility or part of a facility.

817
818 "Partial closure" means the closure of a hazardous waste management unit in
819 accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or
820 725 at a facility that contains other active hazardous waste management units.
821 For example, partial closure may include the closure of a tank (including its
822 associated piping and underlying containment systems), landfill cell, surface
823 impoundment, waste pile, or other hazardous waste management unit, while other
824 units of the same facility continue to operate.
825

826 "Performance Track member facility" means a facility that has been accepted by
827 USEPA for membership in the National Environmental Performance Track
828 Program (Program) and which is still a member of that Program. The National
829 Environmental Performance Track Program is a voluntary, facility-based,
830 program for top environmental performers. A program member must demonstrate
831 a good record of compliance and past success in achieving environmental goals,
832 and it must commit to future specific quantified environmental goals,
833 environmental management systems, local community outreach, and annual
834 reporting of measurable results.

835 BOARD NOTE: The National Environmental Performance Track program is
836 operated exclusively by USEPA. USEPA established the program in 2000 (see
837 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg.
838 27922 (May 17, 2004)). USEPA confers membership in the program on
839 application of interested and eligible entities. Information about the program is
840 available from a website maintained by USEPA: [www.epa.gov/
841 performancetrack](http://www.epa.gov/performance-track).
842

843 "Person" means an individual, trust, firm, joint stock company, federal agency,
844 corporation (including a government corporation), partnership, association, state,
845 municipality, commission, political subdivision of a state, or any interstate body.
846

847 "Personnel" or "facility personnel" means all persons who work at or oversee the
848 operations of a hazardous waste facility and whose actions or failure to act may
849 result in noncompliance with 35 Ill. Adm. Code 724 or 725.
850

851 "Pesticide" means any substance or mixture of substances intended for
852 preventing, destroying, repelling, or mitigating any pest or intended for use as a
853 plant regulator, defoliant, or desiccant, other than any article that fulfills one of
854 the following descriptions:
855

856 It is a new animal drug under section 201(v) of the Federal Food, Drug
857 and Cosmetic Act (FFDCA; 21 USC 321(v)), incorporated by reference in
858 Section 720.111(c);
859

860 It is an animal drug that has been determined by regulation of the federal
861 Secretary of Health and Human Services pursuant to FFDCA section 512
862 (21 USC 360b), incorporated by reference in Section 720.111(c), to be an
863 exempted new animal drug; or
864

865 It is an animal feed under FFDCA section 201(w) (21 USC 321(w)),
866 incorporated by reference in Section 720.111(c), that bears or contains any
867 substances described in either of the two preceding paragraphs of this
868 definition.

869 BOARD NOTE: The second exception of corresponding 40 CFR 260.10
870 reads as follows: "Is an animal drug that has been determined by
871 regulation of the Secretary of Health and Human Services not to be a new
872 animal drug." This is very similar to the language of section 2(u) of the
873 Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC
874 136(u)). The three exceptions, taken together, appear intended not to
875 include as pesticide any material within the scope of federal Food and
876 Drug Administration regulation. The Board codified this provision with
877 the intent of retaining the same meaning as its federal counterpart while
878 adding the definiteness required under Illinois law.
879

880 "Pile" means any noncontainerized accumulation of solid, non-flowing hazardous
881 waste that is used for treatment or storage, and that is not a containment building.
882

883 "Plasma arc incinerator" means any enclosed device that uses a high intensity
884 electrical discharge or arc as a source of heat followed by an afterburner using
885 controlled flame combustion and which is not listed as an industrial furnace.
886

887 "Point source" means any discernible, confined, and discrete conveyance,
888 including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well,
889 discrete fissure, container, rolling stock, concentrated animal feeding operation, or
890 vessel or other floating craft from which pollutants are or may be discharged.
891 This term does not include return flows from irrigated agriculture.
892

893 "Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code
894 310.110.
895

896 "Qualified groundwater scientist" means a scientist or engineer who has received
897 a baccalaureate or postgraduate degree in the natural sciences or engineering, and
898 has sufficient training and experience in groundwater hydrology and related
899 fields, as demonstrated by state registration, professional certifications, or
900 completion of accredited university courses that enable the individual to make
901 sound professional judgments regarding groundwater monitoring and contaminant
902 rate and transport.

903 BOARD NOTE: State registration includes, but is not limited to, registration as a
904 professional engineer with the Department of Professional Regulation, pursuant to
905 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes,
906 but is not limited to, certification under the certified groundwater professional
907 program of the National Ground Water Association.
908

909 "RCRA" means the Solid Waste Disposal Act, as amended by the Resource
910 Conservation and Recovery Act of 1976, as amended (42 USC 6901 et seq.).
911

912 "RCRA standardized permit" means a RCRA permit issued pursuant to Subpart J
913 of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes
914 management of hazardous waste. The RCRA standardized permit may have two
915 parts: a uniform portion issued in all cases and a supplemental portion issued at
916 the discretion of the Agency.
917

918 "Regional Administrator" means the Regional Administrator for the USEPA
919 region in which the facility is located or the Regional Administrator's designee.
920

921 "Remediation waste" means all solid and hazardous wastes, and all media
922 (including groundwater, surface water, soils, and sediments) and debris that are
923 managed for implementing cleanup.
924

925 "Remediation waste management site" means a facility where an owner or
926 operator is or will be treating, storing, or disposing of hazardous remediation
927 wastes. A remediation waste management site is not a facility that is subject to
928 corrective action pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste
929 management site is subject to corrective action requirements if the site is located
930 in such a facility.
931

932 "Replacement unit" means a landfill, surface impoundment, or waste pile unit
933 from which all or substantially all of the waste is removed, and which is
934 subsequently reused to treat, store, or dispose of hazardous waste. Replacement
935 unit does not include a unit from which waste is removed during closure, if the
936 subsequent reuse solely involves the disposal of waste from that unit and other
937 closing units or corrective action areas at the facility, in accordance with a closure
938 or corrective action plan approved by USEPA or the Agency.
939

940 "Representative sample" means a sample of a universe or whole (e.g., waste pile,
941 lagoon, groundwater) that can be expected to exhibit the average properties of the
942 universe or whole.
943

944 "Runoff" means any rainwater, leachate, or other liquid that drains over land from
945 any part of a facility.

946
947 "Runon" means any rainwater, leachate, or other liquid that drains over land onto
948 any part of a facility.
949
950 "Saturated zone" or "zone of saturation" means that part of the earth's crust in
951 which all voids are filled with water.
952
953 "SIC code" means "Standard Industrial Classification code," as assigned to a site
954 by the United States Department of Transportation, Federal Highway
955 Administration, based on the particular activities that occur on the site, as set forth
956 in its publication "Standard Industrial Classification Manual," incorporated by
957 reference in Section 720.111(a).
958
959 "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal,
960 commercial, or industrial wastewater treatment plant, water supply treatment
961 plant, or air pollution control facility, exclusive of the treated effluent from a
962 wastewater treatment plant.
963
964 "Sludge dryer" means any enclosed thermal treatment device that is used to
965 dehydrate sludge and which has a total thermal input, excluding the heating value
966 of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.
967
968 "Small quantity generator" means a generator that generates less than 1,000 kg of
969 hazardous waste in a calendar month.
970
971 "Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.
972
973 "Sorbent" means a material that is used to soak up free liquids by either
974 adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or
975 both.
976
977 "Staging pile" means an accumulation of solid, non-flowing "remediation waste"
978 (as defined in this Section) that is not a containment building and that is used only
979 during remedial operations for temporary storage at a facility. Staging piles must
980 be designated by the Agency according to 35 Ill. Adm. Code 724.654.
981
982 "State" means any of the several states, the District of Columbia, the
983 Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and
984 the Commonwealth of the Northern Mariana Islands.
985
986 "Storage" means the holding of hazardous waste for a temporary period, at the end
987 of which the hazardous waste is treated, disposed of, or stored elsewhere.
988

989 "Sump" means any pit or reservoir that meets the definition of tank and those
 990 troughs or trenches connected to it that serve to collect hazardous waste for
 991 transport to hazardous waste storage, treatment, or disposal facilities; except that,
 992 as used in the landfill, surface impoundment, and waste pile rules, sump means
 993 any lined pit or reservoir that serves to collect liquids drained from a leachate
 994 collection and removal system or leak detection system for subsequent removal
 995 from the system.

996
 997 "Surface impoundment" or "impoundment" means a facility or part of a facility
 998 that is a natural topographic depression, manmade excavation, or diked area
 999 formed primarily of earthen materials (although it may be lined with manmade
 1000 materials) that is designed to hold an accumulation of liquid wastes or wastes
 1001 containing free liquids and which is not an injection well. Examples of surface
 1002 impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.
 1003

1004 "Tank" means a stationary device, designed to contain an accumulation of
 1005 hazardous waste that is constructed primarily of nonearthen materials (e.g., wood,
 1006 concrete, steel, plastic) that provide structural support.
 1007

1008 "Tank system" means a hazardous waste storage or treatment tank and its
 1009 associated ancillary equipment and containment system.
 1010

1011 "TEQ" means toxicity equivalence, the international method of relating the
 1012 toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetra-
 1013 chlorodibenzo-p-dioxin.
 1014

1015 "Thermal treatment" means the treatment of hazardous waste in a device that uses
 1016 elevated temperatures as the primary means to change the chemical, physical, or
 1017 biological character or composition of the hazardous waste. Examples of thermal
 1018 treatment processes are incineration, molten salt, pyrolysis, calcination, wet air
 1019 oxidation, and microwave discharge. (See also "incinerator" and "open burning.")
 1020

1021 "Thermostat" means a temperature control device that contains metallic mercury
 1022 in an ampule attached to a bimetal sensing element and mercury-containing
 1023 ampules that have been removed from such a temperature control device in
 1024 compliance with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).
 1025

1026 "Totally enclosed treatment facility" means a facility for the treatment of
 1027 hazardous waste that is directly connected to an industrial production process and
 1028 which is constructed and operated in a manner that prevents the release of any
 1029 hazardous waste or any constituent thereof into the environment during treatment.
 1030 An example is a pipe in which waste acid is neutralized.
 1031

1032 "Transfer facility" means any ~~transportation-related~~ ~~transportation-related~~ facility,
1033 including loading docks, parking areas, storage areas, and other similar areas
1034 where shipments of hazardous waste or hazardous secondary materials are held
1035 during the normal course of transportation.
1036

1037 "Transport vehicle" means a motor vehicle or rail car used for the transportation
1038 of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car,
1039 etc.) is a separate transport vehicle.
1040

1041 "Transportation" means the movement of hazardous waste by air, rail, highway, or
1042 water.
1043

1044 "Transporter" means a person engaged in the off-site transportation of hazardous
1045 waste by air, rail, highway, or water.
1046

1047 "Treatability study" means the following:
1048

1049 A study in which a hazardous waste is subjected to a treatment process to
1050 determine the following:

1051 Whether the waste is amenable to the treatment process;

1052 What pretreatment (if any) is required;

1053 The optimal process conditions needed to achieve the desired
1054 treatment;

1055 The efficiency of a treatment process for a specific waste or
1056 wastes; and
1057

1058 The characteristics and volumes of residuals from a particular
1059 treatment process;
1060

1061 Also included in this definition for the purpose of 35 Ill. Adm. Code
1062 721.104(e) and (f) exemptions are liner compatibility, corrosion and other
1063 material compatibility studies, and toxicological and health effects studies.
1064 A treatability study is not a means to commercially treat or dispose of
1065 hazardous waste.
1066

1067 "Treatment" means any method, technique, or process, including neutralization,
1068 designed to change the physical, chemical, or biological character or composition
1069 of any hazardous waste so as to neutralize the waste, recover energy or material
1070 resources from the waste, or render the waste non-hazardous or less hazardous;
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1075 safer to transport, store, or dispose of; or amenable for recovery, amenable for
1076 storage, or reduced in volume.

1077
1078 "Treatment zone" means a soil area of the unsaturated zone of a land treatment
1079 unit within which hazardous constituents are degraded, transformed, or
1080 immobilized.

1081
1082 "Underground injection" means the subsurface emplacement of fluids through a
1083 bored, drilled, or driven well or through a dug well, where the depth of the dug
1084 well is greater than the largest surface dimension. (See also "injection well.")

1085
1086 "Underground tank" means a device meeting the definition of tank whose entire
1087 surface area is totally below the surface of and covered by the ground.

1088
1089 "Unfit-for-use tank system" means a tank system that has been determined,
1090 through an integrity assessment or other inspection, to be no longer capable of
1091 storing or treating hazardous waste without posing a threat of release of hazardous
1092 waste to the environment.

1093
1094 "United States" means the 50 states, the District of Columbia, the Commonwealth
1095 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
1096 Commonwealth of the Northern Mariana Islands.

1097
1098 "Universal waste" means any of the following hazardous wastes that are managed
1099 pursuant to the universal waste requirements of 35 Ill. Adm. Code 733:

1100
1101 Batteries, as described in 35 Ill. Adm. Code 733.102;

1102
1103 Pesticides, as described in 35 Ill. Adm. Code 733.103;

1104
1105 Mercury-containing equipment, as described in 35 Ill. Adm. Code
1106 733.104; and

1107
1108 Lamps, as described in 35 Ill. Adm. Code 733.105.

1109
1110 "Universal waste handler" means either of the following:

1111
1112 A generator (as defined in this Section) of universal waste; or

1113
1114 The owner or operator of a facility, including all contiguous property, that
1115 receives universal waste from other universal waste handlers, accumulates
1116 the universal waste, and sends that universal waste to another universal
1117 waste handler, to a destination facility, or to a foreign destination.

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"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 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 transporter" means a person engaged in the off-site transportation of universal waste 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 as a result of such use is contaminated by physical or chemical impurities.

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

"USPS" means the United States Postal Service.

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

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

It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310;

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

1161 accumulates a wastewater treatment sludge that is a hazardous waste as
1162 defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater
1163 treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code
1164 721.103; and

1165
1166 It meets the definition of tank or tank system in this Section.

1167
1168 "Water (bulk shipment)" means the bulk transportation of hazardous waste that is
1169 loaded or carried on board a vessel without containers or labels.

1170
1171 "Well" means any shaft or pit dug or bored into the earth, generally of a
1172 cylindrical form, and often walled with bricks or tubing to prevent the earth from
1173 caving in.

1174
1175 "Well injection" (See "underground injection.")

1176
1177 "Zone of engineering control" means an area under the control of the owner or
1178 operator that, upon detection of a hazardous waste release, can be readily cleaned
1179 up prior to the release of hazardous waste or hazardous constituents to
1180 groundwater or surface water.

1181
1182 (Source: Amended at 34 Ill. Reg. _____, effective _____)

1183
1184 **Section 720.111 References**

1185
1186 The following documents are incorporated by reference for the purposes of this Part and 35 Ill.
1187 Adm. Code 702 through 705, 721 through 728, 730, 733, 738, and 739:

1188
1189 a) Non-Regulatory Government Publications and Publications of Recognized
1190 Organizations and Associations:

1191
1192 ACGME. Available from the Accreditation Council for Graduate Medical
1193 Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-
1194 755-5000:

1195
1196 "Accreditation Council for Graduate Medical Education: Glossary
1197 of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code
1198 722.300.

1199 BOARD NOTE: Also available on the Internet for download and
1200 viewing as a PDF file at the following Internet address:
1201 http://www.acgme.org/acWebsite/about/ab_ACGMEglossary.pdf

1202
1203 ACI. Available from the American Concrete Institute, Box 19150,

- 1204 Redford Station, Detroit, Michigan 48219:
1205
1206 ACI 318-83: "Building Code Requirements for Reinforced
1207 Concrete," adopted November 1983, referenced in 35 Ill. Adm.
1208 Code 724.673 and 725.543.
1209
1210 ANSI. Available from the American National Standards Institute, 1430
1211 Broadway, New York, New York 10018, 212-354-3300:
1212
1213 See ASME/ANSI B31.3 and B31.4 and supplements below in this
1214 subsection (a) under ASME.
1215
1216 API. Available from the American Petroleum Institute, 1220 L Street,
1217 N.W., Washington, D.C. 20005, 202-682-8000:
1218
1219 "Cathodic Protection of Underground Petroleum Storage Tanks
1220 and Piping Systems," API Recommended Practice 1632, Second
1221 Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292,
1222 724.295, 725.292, and 725.295.
1223
1224 "Evaporative Loss from External Floating-Roof Tanks," API
1225 publication 2517, Third Edition, February 1989, USEPA-approved
1226 for 35 Ill. Adm. Code 725.984.
1227
1228 "Guide for Inspection of Refinery Equipment," Chapter XIII,
1229 "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981,
1230 reaffirmed December 1987, referenced in 35 Ill. Adm. Code
1231 724.291, 724.293, 725.291, and 725.292.
1232
1233 "Installation of Underground Petroleum Storage Systems," API
1234 Recommended Practice 1615, Fourth Edition, November 1987,
1235 referenced in 35 Ill. Adm. Code 724.292.
1236
1237 ASME. Available from the American Society of Mechanical Engineers, 345 East
1238 47th Street, New York, NY 10017, 212-705-7722:
1239
1240 "Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-
1241 1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in
1242 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.
1243
1244 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas,
1245 Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as
1246 supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292

- 1247 and 725.292. Also available from ANSI.
1248
1249 ASTM. Available from American Society for Testing and Materials, 100 Barr
1250 Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:
1251
1252 ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete,"
1253 approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and
1254 725.543.
1255
1256 ASTM D 88-87, "Standard Test Method for Saybolt Viscosity," approved
1257 April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code
1258 726.200.
1259
1260 ASTM D 93-85, "Standard Test Methods for Flash Point by Pensky-
1261 Martens Closed Tester," approved October 25, 1985, USEPA-approved
1262 for 35 Ill. Adm. Code 721.121.
1263
1264 ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials,"
1265 approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.
1266
1267 ASTM D 346-75, "Standard Practice for Collection and Preparation of
1268 Coke Samples for Laboratory Analysis," approved 1975, referenced in
1269 Appendix A to 35 Ill. Adm. Code 721.
1270
1271 ASTM D 420-69, "Guide to Site Characterization for Engineering,
1272 Design, and Construction Purposes," approved 1969, referenced in
1273 Appendix A to 35 Ill. Adm. Code 721.
1274
1275 ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling
1276 by Auger Borings," approved 1965, referenced in Appendix A to 35 Ill.
1277 Adm. Code 721.
1278
1279 ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by
1280 Gas Chromatography," approved March 30, 1990, USEPA-approved for
1281 35 Ill. Adm. Code 724.933 and 725.933.
1282
1283 ASTM D 2161-87, "Standard Practice for Conversion of Kinematic
1284 Viscosity to Saybolt Universal or to Saybolt Furol Viscosity," March 27,
1285 1987, referenced in 35 Ill. Adm. Code 726.200.
1286
1287 ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of
1288 Coal," approved 1976, referenced in Appendix A to 35 Ill. Adm. Code
1289 721.

1290
1291 ASTM D 2267-88, "Standard Test Method for Aromatics in Light
1292 Naphthas and Aviation Gasolines by Gas Chromatography," approved
1293 November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.
1294
1295 ASTM D 2382-88, "Standard Test Method for Heat of Combustion of
1296 Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method),"
1297 approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code
1298 724.933 and 725.933.
1299
1300 ASTM D 2879-92, "Standard Test Method for Vapor Pressure-
1301 Temperature Relationship and Initial Decomposition Temperature of
1302 Liquids by Isoteniscope," approved 1992, USEPA-approved for 35 Ill.
1303 Adm. Code 725.984, referenced in 35 Ill. Adm. Code 724.963 and
1304 725.963.
1305
1306 ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by
1307 Setaflash Closed Tester," approved December 14, 1988, USEPA-approved
1308 for 35 Ill. Adm. Code 721.121(a).
1309
1310 ASTM E 168-88, "Standard Practices for General Techniques of Infrared
1311 Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35
1312 Ill. Adm. Code 724.963.
1313
1314 ASTM E 169-87, "Standard Practices for General Techniques of
1315 Ultraviolet-Visible Quantitative Analysis," approved February 1, 1987,
1316 USEPA-approved for 35 Ill. Adm. Code 724.963.
1317
1318 ASTM E 260-85, "Standard Practice for Packed Column Gas
1319 Chromatography," approved June 28, 1985, USEPA-approved for 35 Ill.
1320 Adm. Code 724.963.
1321
1322 ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of
1323 Synthetic Polymer Materials to Fungi," referenced in 35 Ill. Adm. Code
1324 724.414 and 725.414.
1325
1326 ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance
1327 of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and
1328 725.414.
1329
1330 GPO. Available from the Superintendent of Documents, U.S. Government
1331 Printing Office, Washington, D.C. 20402, 202-512-1800:
1332

- 1333 Standard Industrial Classification Manual (1972), and 1977 Supplement,
1334 republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section
1335 720.110.
1336
- 1337 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
1338 USEPA publication number EPA-530/SW-846 (Third Edition, November
1339 1986), as amended by Updates I (July 1992), II (November 1994), IIA
1340 (August, 1993), IIB (January 1995), III (December 1996), IIIA (April
1341 1998), and IIIB (November 2004) (document number 955-001-00000-1).
1342 See below in this subsection (a) under NTIS.
1343
- 1344 NACE. Available from the National Association of Corrosion Engineers, 1400
1345 South Creek Dr., Houston, TX 77084, 713-492-0535:
1346
- 1347 "Control of External Corrosion on Metallic Buried, Partially Buried, or
1348 Submerged Liquid Storage Systems," NACE Recommended Practice
1349 RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code
1350 724.292, 724.295, 725.292, and 725.295.
1351
- 1352 NFPA. Available from the National Fire Protection Association, 1 Batterymarch
1353 Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:
1354
- 1355 "Flammable and Combustible Liquids Code," NFPA 30, issued July 18,
1356 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected
1357 by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill.
1358 Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm.
1359 Code 725.301 and 726.211.
1360
- 1361 NTIS. Available from the U.S. Department of Commerce, National Technical
1362 Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-
1363 6000 or 800-553-6847 (Internet address: www.ntis.gov):
1364
- 1365 "APTI Course 415: Control of Gaseous Emissions," December 1981,
1366 USEPA publication number EPA-450/2-81-005, NTIS document number
1367 PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211,
1368 703.352, 724.935, and 725.935.
1369 BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training
1370 Institute" (Internet address: www.epa.gov/air/oaqps/eog/).
1371
- 1372 "Generic Quality Assurance Project Plan for Land Disposal Restrictions
1373 Program," USEPA publication number EPA-530/SW-87-011, March 15,
1374 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm.
1375 Code 728.106.

- 1376
 1377
 1378 "Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and
 1379 Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-
 1380 HEM; Non-polar Material) by Extraction and Gravimetry," USEPA
 1381 publication number EPA-821/R-98-002, NTIS document number PB99-
 1382 121949, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1383 BOARD NOTE: ~~Also EPA-821/R-98-002 is also~~ available on the Internet
 1384 for free download as a PDF document from the USEPA website at:
 1385 www.epa.gov/waterscience/methods/16640514.pdf.
 1386
 1387 "Methods for Chemical Analysis of Water and Wastes," Third Edition,
 1388 March 1983, USEPA document number EPA-600/4-79-020, NTIS
 1389 document number PB84-128677, referenced in 35 Ill. Adm. Code
 1390 725.192.
 1391 BOARD NOTE: ~~Also EPA-600/4-79-020 is also~~ available on the Internet
 1392 as a viewable/printable HTML document from the USEPA website at:
 1393 www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.
 1394
 1395 "North American Industry Classification System," July 2007, U.S.
 1396 Department of Commerce, U.S. Census Bureau, document number
 1397 PB2007-100002 (hardcover printed volume) or PB2007-500023,
 1398 referenced in Section 720.110 (definition of "NAICS Code") for the
 1399 purposes of Section 720.142.
 1400 BOARD NOTE: Also available on the Internet from the U.S. Census
 1401 Bureau: www.census.gov/naics/2007/naicod07.htm.
 1402
 1403 "Procedures Manual for Ground Water Monitoring at Solid Waste
 1404 Disposal Facilities," August 1977, EPA-530/SW-611, NTIS document
 1405 number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.
 1406
 1407 "Screening Procedures for Estimating the Air Quality Impact of Stationary
 1408 Sources," October 1992, USEPA publication number EPA-454/R-92-019,
 1409 NTIS document number 93-219095, referenced in 35 Ill. Adm. Code
 1410 726.204 and 726.206.
 1411 BOARD NOTE: ~~Also EPA-454/R-92-019 is also~~ available on the Internet
 1412 for free download as a WordPerfect document from the USEPA website at
 1413 the following Internet address:
 1414 www.epa.gov/scram001/guidance/guide/scrng.wpd.
 1415
 1416 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
 1417 USEPA publication number EPA-530/SW-846 (Third Edition, November
 1418 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II
 (November 1994), IIA (August 1993), IIB (January 1995), III (December

1419 1996), IIIA (April 1998), and IIIB (November 2004) (document number
 1420 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill.
 1421 Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and
 1422 728.106 (in addition to the references cited below for specific methods):
 1423
 1424 Method 0010 (November 1986) (Modified Method 5 Sampling
 1425 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1426
 1427 Method 0011 (December 1996) (Sampling for Selected Aldehyde
 1428 and Ketone Emissions from Stationary Sources), USEPA-approved
 1429 for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35
 1430 Ill. Adm. Code 726.
 1431
 1432 Method 0020 (November 1986) (Source Assessment Sampling
 1433 System), USEPA-approved for Appendix I to 35 Ill. Adm. Code
 1434 721.
 1435
 1436 Method 0023A (December 1996) (Sampling Method for
 1437 Polychlorinated Dibenzo-p-Dioxins and Polychlorinated
 1438 Dibenzofuran Emissions from Stationary Sources), USEPA-
 1439 approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to
 1440 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.
 1441
 1442 Method 0030 (November 1986) (Volatile Organic Sampling
 1443 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1444
 1445 Method 0031 (December 1996) (Sampling Method for Volatile
 1446 Organic Compounds (SMVOC)), USEPA-approved for Appendix
 1447 I to 35 Ill. Adm. Code 721.
 1448
 1449 Method 0040 (December 1996) (Sampling of Principal Organic
 1450 Hazardous Constituents from Combustion Sources Using Tedlar[®]
 1451 Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
 1452
 1453 Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission
 1454 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm.
 1455 Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm.
 1456 Code 726.207.
 1457
 1458 Method 0051 (December 1996) (Midget Impinger HCl/Cl₂
 1459 Emission Sampling Train), USEPA-approved for Appendix I to 35
 1460 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35
 1461 Ill. Adm. Code 726.207.

1462
1463 Method 0060 (December 1996) (Determination of Metals in Stack
1464 Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1465 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code
1466 726.206.
1467
1468 Method 0061 (December 1996) (Determination of Hexavalent
1469 Chromium Emissions from Stationary Sources), USEPA-approved
1470 for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code
1471 726.206, and Appendix I to 35 Ill. Adm. Code 726.
1472
1473 Method 1010A (November 2004) (Test Methods for Flash Point by
1474 Pensky-Martens Closed Cup Tester), USEPA-approved for
1475 Appendix I to 35 Ill. Adm. Code 721.
1476
1477 Method 1020B (November 2004) (Standard Test Methods for
1478 Flash Point by Setaflash (Small Scale) Closed-cup Apparatus),
1479 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
1480
1481 Method 1110A (November 2004) (Corrosivity Toward Steel),
1482 USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I
1483 to 35 Ill. Adm. Code 721.
1484
1485 Method 1310B (November 2004) (Extraction Procedure (EP)
1486 Toxicity Test Method and Structural Integrity Test), USEPA-
1487 approved for Appendix I to 35 Ill. Adm. Code 721 and referenced
1488 in Appendix I to 35 Ill. Adm. Code 728.
1489
1490 Method 1311 (November 1992) (Toxicity Characteristic Leaching
1491 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1492 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for
1493 Table T to 35 Ill. Adm. Code 728.
1494
1495 Method 1312 (November 1994) (Synthetic Precipitation Leaching
1496 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1497 721.
1498
1499 Method 1320 (November 1986) (Multiple Extraction Procedure),
1500 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
1501
1502 Method 1330A (November 1992) (Extraction Procedure for Oily
1503 Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code
1504 721.

- 1505
 1506 Method 9010C (November 2004) (Total and Amenable Cyanide:
 1507 Distillation), USEPA-approved for Appendix I to 35 Ill. Adm.
 1508 Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148,
 1509 referenced in Table H to 35 Ill. Adm. Code 728.
 1510
 1511 Method 9012B (November 2004) (Total and Amenable Cyanide
 1512 (Automated Colorimetric, with Off-Line Distillation)), USEPA-
 1513 approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill.
 1514 Adm. Code 728.140, 728.144, and 728.148, referenced in Table H
 1515 to 35 Ill. Adm. Code 728.
 1516
 1517 Method 9040C (November 2004) (pH Electrometric
 1518 Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122
 1519 and Appendix I to 35 Ill. Adm. Code 721.
 1520
 1521 Method 9045D (November 2004) (Soil and Waste pH), USEPA-
 1522 approved for Appendix I to 35 Ill. Adm. Code 721.
 1523
 1524 Method 9060A (November 2004) (Total Organic Carbon),
 1525 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35
 1526 Ill. Adm. Code 724.934, 724.963, 725.934, and 725.963.
 1527
 1528 Method 9070A (November 2004) (n-Hexane Extractable Material
 1529 (HEM) for Aqueous Samples), USEPA-approved for Appendix I
 1530 to 35 Ill. Adm. Code 721.
 1531
 1532 Method 9071B (April 1998) (n-Hexane Extractable Material
 1533 (HEM) for Sludge, Sediment, and Solid Samples), USEPA-
 1534 approved for Appendix I to 35 Ill. Adm. Code 721.
 1535
 1536 Method 9095B (November 2004) (Paint Filter Liquids Test),
 1537 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35
 1538 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981,
 1539 727.290, and 728.132.
 1540
 1541 BOARD NOTE: Also EPA-530/SW-846 is also available on the Internet
 1542 for free download in segments in PDF format from the USEPA website at:
 1543 www.epa.gov/SW-846.
 1544
 1545 OECD. Organisation for Economic Co-operation and Development,
 1546 Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16,
 1547 France (www.oecd.org), also OECD Washington Center, 2001 L Street,

- 1548 NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-
1549 6323 (www.oecdwash.org):
1550
1551 OECD "Amber List of Wastes," Appendix 4 to the OECD Council
1552 Decision C(92)39/Final (March 30, 1992, revised May 1993) (Concerning
1553 the Control of Transfrontier Movements of Wastes Destined for Recovery
1554 Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced
1555 in 35 Ill. Adm. Code 722.181.
1556
1557 OECD "Amber Tier," Section IV of the annex to the OECD Council
1558 Decision C(92)39/Final (Concerning the Control of Transfrontier
1559 Movements of Wastes Destined for Recovery Operations) (revised May
1560 1993), referenced in 35 Ill. Adm. Code 722.181.
1561
1562 Annex to OECD Council Decision C(88)90/Final, as amended by
1563 C(94)152/Final (revised July 1994), referenced in 35 Ill. Adm. Code
1564 722.187.
1565
1566 OECD "Green List of Wastes," Appendix 3 to the OECD Council Decision
1567 C(92)39/Final (March 30, 1992, revised May 1994) (Concerning the
1568 Control of Transfrontier Movements of Wastes Destined for Recovery
1569 Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced
1570 in 35 Ill. Adm. Code 722.181.
1571
1572 OECD "Green Tier," Section III of the annex to the OECD Council
1573 Decision C(92)39/Final (Concerning the Control of Transfrontier
1574 Movements of Wastes Destined for Recovery Operations) (revised May
1575 1993), referenced in 35 Ill. Adm. Code 722.181.
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 1723 Reg. 51365 (September 7, 2007), 72 Fed. Reg. 51494 (September 7,
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 1729 73 Fed. Reg. 31368 (June 2, 2008), 73 Fed. Reg. 31372 (June 2, 2008),
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1747
 1748 Method 2 (Determination of Stack Gas Velocity and Volumetric
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1751
 1752 Method 2A (Direct Measurement of Gas Volume through Pipes
 1753 and Small Ducts), referenced in 35 Ill. Adm. Code 724.933,
 1754 725.933, and 726.205.

1755
 1756 Method 2B (Determination of Exhaust Gas Volume Flow Rate
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 1758 Code 726.205.

1759
 1760 Method 2C (Determination of Gas Velocity and Volumetric Flow
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1765 Pipes and Ducts), referenced in 35 Ill. Adm. Code 724.933,
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1767
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1776 Flow Rate with Two-Dimensional Probes), referenced in 35 Ill.
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1802 Method 5 (Determination of Particulate Matter Emissions from
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- 1805 Method 5A (Determination of Particulate Matter Emissions from
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1812
- 1813 Method 5D (Determination of Particulate Matter Emissions from
1814 Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code
1815 726.205.
1816
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1820
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1822 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
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 1858 Method 25E (Determination of Vapor Phase Organic
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 1908 ~~18970 (April 8, 2008)~~ (National Emission Standards for Hazardous Air
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 1910 (When and How Must You Comply with the Standards and Operating
 1911 Requirements?), 63.1215 (What are the Health-Based Compliance
 1912 Alternatives for Total Chlorine?), 63.1216 (What are the Standards for
 1913 Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the
 1914 Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218
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 1916 Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards
 1917 for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement
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 1924
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 1926 Various Waste Media) in appendix A to 40 CFR 63 ~~(2009)(2007)~~ (Test
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1933	Appendix D to 40 CFR 63 (2009) (2007) (Test Methods), referenced in 35
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1936	40 CFR 136.3 (Identification of Test Procedures) (2009) (2007), referenced
1937	in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.
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1945	40 CFR 257 (2009) (2007) (Criteria for Classification of Solid Waste
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1948	
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1954	
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1956	(March 18, 2010) (2007) (Overview of Subtitle C Regulations), referenced
1957	in Appendix A to 35 Ill. Adm. Code 720.
1958	
1959	<u>40 CFR 261.151 (2009) (Wording of the Instruments), referenced in 35 Ill.</u>
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1961	
1962	Appendix III to 40 CFR 261 (2009) (2007) (Chemical Analysis Test
1963	Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.
1964	
1965	40 CFR 262.53 (2009) (2007) (Notification of Intent to Export), referenced
1966	in 35 Ill. Adm. Code 722.153.
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1968	40 CFR 262.54 (2009) (2007) (Special Manifest Requirements), referenced
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1971	40 CFR 262.55 (2009), as amended at 75 Fed. Reg. 1236 (January 8,
1972	2010) (2007) (Exception Reports), referenced in 35 Ill. Adm. Code
1973	722.155.
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1976 2010)(2007) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.
1977
1978 40 CFR 262.57 (2009)(2007) (Recordkeeping), referenced in 35 Ill. Adm.
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1980
1981 Appendix to 40 CFR 262 (2009)(2007) (Uniform Hazardous Waste
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1987 35 Ill. Adm. Code 724.251 and 727.240.
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1989 Appendix I to 40 CFR 264 (2009)(2007) (Recordkeeping Instructions),
1990 referenced in Appendix A to 35 Ill. Adm. Code 724.
1991
1992 Appendix IV to 40 CFR 264 (2009)(2007) (Cochran's Approximation to
1993 the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.
1994 Adm. Code 724.
1995
1996 Appendix V to 40 CFR 264 (2009)(2007) (Examples of Potentially
1997 Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724
1998 and 35 Ill. Adm. Code 727.270.
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2002 35 Ill. Adm. Code 703.306 and 724.118.
2003
2004 Appendix I to 40 CFR 265 (2009)(2007) (Recordkeeping Instructions),
2005 referenced in Appendix A to 35 Ill. Adm. Code 725.
2006
2007 Appendix III to 40 CFR 265 (2009)(2007) (EPA Interim Primary Drinking
2008 Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.
2009
2010 Appendix IV to 40 CFR 265 (2009)(2007) (Tests for Significance),
2011 referenced in Appendix D to 35 Ill. Adm. Code 725.
2012
2013 Appendix V to 40 CFR 265 (2009)(2007) (Examples of Potentially
2014 Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330,
2015 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.
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2018 Compliance with the BIF Regulations), referenced generally in Appendix I
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2026 Procedure), referenced in 35 Ill. Adm. Code 726.204.
2027
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2029 Determinations), referenced in 35 Ill. Adm. Code 726.212.
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2034 1990, USEPA publication number EPA-530/SW-91-010, NTIS document
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2041 the Director), referenced in 35 Ill. Adm. Code 703.305.
2042
2043 40 CFR 761 (2009)(2007), amended in 72 Fed. Reg. 53152 (September
2044 18, 2007) and 72 Fed. Reg. 57235 (October 9, 2007) (Polychlorinated
2045 Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce,
2046 and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.
2047
2048 40 CFR 761.3 (2009)(2007) (Definitions), referenced in 35 Ill. Adm. Code
2049 728.102 and 739.110.
2050
2051 40 CFR 761.60 (2009)(2007), amended in 72 Fed. Reg. 57235 (October 9,
2052 2007) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.
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2054 40 CFR 761.65 (2009)(2007), amended in 72 Fed. Reg. 57235 (October 9,
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2059

2060 Subpart B of 49 CFR 107 ~~(2009)(2007)~~, as amended at 74 Fed. Reg.
 2061 53182 (October 16, 2009), 75 Fed. Reg. 15613 (March 30, 2010), and 75
 2062 Fed. Reg. 27205 (May 14, 2010)~~in 72 Fed. Reg. 55678 (October 1, 2007)~~
 2063 (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and
 2064 725.987.
 2065
 2066 49 CFR 171 ~~(2009)(2007)~~, as amended at 74 Fed. Reg. 53182 (October
 2067 16, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376
 2068 (February 2, 2010), 75 Fed. Reg. 27205 (May 14, 2010)~~in 72 Fed. Reg.~~
 2069 ~~55678 (October 1, 2007), 73 Fed. Reg. 4699 (January 28, 2008), and 73~~
 2070 ~~Fed. Reg. 23362 (April 30, 2008)~~ (General Information, Regulations, and
 2071 Definitions), referenced generally in 35 Ill. Adm. Code 733.118, 733.138,
 2072 733.152, and 739.143.
 2073
 2074 49 CFR 171.3 ~~(2009)(2007)~~ (Hazardous Waste), referenced in 35 Ill.
 2075 Adm. Code 722.133.
 2076
 2077 49 CFR 171.8 ~~(2009)(2007)~~, as amended at 74 Fed. Reg. 53182 (October
 2078 16, 2009), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205
 2079 (May 14, 2010)~~in 72 Fed. Reg. 55678 (October 1, 2007), 73 Fed. Reg.~~
 2080 ~~4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008)~~
 2081 (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118,
 2082 733.138, 733.152, 733.155, and 739.143.
 2083
 2084 49 CFR 171.15 ~~(2009)(2007)~~, as amended at 74 Fed. Reg. 53182 (October
 2085 16, 2009)~~in 72 Fed. Reg. 55678 (October 1, 2007)~~ (Immediate Notice of
 2086 Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code
 2087 723.130 and 739.143.
 2088
 2089 49 CFR 171.16 ~~(2009)(2007)~~ (Detailed Hazardous Materials Incident
 2090 Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.
 2091
 2092 49 CFR 172 ~~(2009)(2007)~~, as amended at 74 Fed. Reg. 52896 (October
 2093 15, 2009), 74 Fed. Reg. 53182 (October 16, 2009), 74 Fed. Reg. 53413
 2094 (October 19, 2009), 74 Fed. Reg. 54489 (October 22, 2009), 74 Fed. Reg.
 2095 65696 (December 11, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed.
 2096 Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 10974 (March 8, 2010)~~in~~
 2097 ~~72 Fed. Reg. 55678 (October 1, 2007), 72 Fed. Reg. 59146 (October 18,~~
 2098 ~~2007), 73 Fed. Reg. 1089 (January 7, 2008), 73 Fed. Reg. 4699 (January~~
 2099 ~~28, 2008), and 73 Fed. Reg. 20752 (April 16, 2008)~~ (Hazardous Materials
 2100 Table, Special Provisions, Hazardous Materials Communications,
 2101 Emergency Response Information, and Training Requirements), referenced
 2102 generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986, 725.987,

2103 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.
 2104
 2105 49 CFR 172.304 (2009)(2007), amended in 72 Fed. Reg. 55678 (October
 2106 1, 2007) (Marking Requirements), referenced in 35 Ill. Adm. Code
 2107 722.132.
 2108
 2109 Subpart F of 49 CFR 172 (2009)(2007), as amended at 75 Fed. Reg. 5376
 2110 (February 2, 2010) in 72 Fed. Reg. 55678 (October 1, 2007) (Placarding),
 2111 referenced in 35 Ill. Adm. Code 722.133.
 2112
 2113 49 CFR 173 (2009)(2007), as amended at 74 Fed. Reg. 53182 (October
 2114 16, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376
 2115 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) in 72 Fed.
 2116 Reg. 55678 (October 1, 2007), 73 Fed. Reg. 4699 (January 28, 2008), and
 2117 73 Fed. Reg. 23362 (April 30, 2008) (Shippers – General Requirements
 2118 for Shipments and Packages), referenced generally in 35 Ill. Adm. Code
 2119 721.104, 722.130, 724.986, 724.416, 725.987, 733.118, 733.138, 733.152,
 2120 and 739.143.
 2121
 2122 49 CFR 173.2 (2009)(2007) (Hazardous Materials Classes and Index to
 2123 Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.
 2124
 2125 49 CFR 173.12 (2009)(2007), as amended at 75 Fed. Reg. 27205 (May 14,
 2126 2010) in 73 Fed. Reg. 4699 (January 28, 2008) (Exceptions for Shipments
 2127 of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986,
 2128 and 725.987.
 2129
 2130 49 CFR 173.28 (2009), as amended at 75 Fed. Reg. 5376 (February 2,
 2131 2010)(2007) (Reuse, Reconditioning, and Remanufacture of Packagings),
 2132 referenced in 35 Ill. Adm. Code 725.273.
 2133
 2134 49 CFR 173.50 (2009)(2007) (Class 1 – Definitions), referenced in 35 Ill.
 2135 Adm. Code 721.124.
 2136
 2137 49 CFR 173.54 (2009)(2006) (Forbidden Explosives), referenced in 35 Ill.
 2138 Adm. Code 721.124.
 2139
 2140 49 CFR 173.115 (2009), as amended at 75 Fed. Reg. 63 (January 4,
 2141 2010)(2007) (Class 2, Divisions 2.1, 2.2, and 2.3 – Definitions),
 2142 referenced in 35 Ill. Adm. Code 721.121.
 2143
 2144 49 CFR 174 (2009)(2007), as amended at 74 Fed. Reg. 53182 (October
 2145 16, 2009), 74 Fed. Reg. 53413 (October 19, 2009), 74 Fed. Reg. 54489

2146 (October 22, 2009), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed.
 2147 Reg. 27205 (May 14, 2010) in 72 Fed. Reg. 55678 (October 1, 2007) and
 2148 73 Fed. Reg. 20752 (April 16, 2008) (Carriage by Rail), referenced
 2149 generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

2150
 2151 49 CFR 175 (2009)(2007), as amended at 75 Fed. Reg. 63 (January 4,
 2152 2010)in 72 Fed. Reg. 55678 (October 1, 2007), 73 Fed. Reg. 4699
 2153 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008) (Carriage by
 2154 Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138,
 2155 733.152, and 739.143.

2156
 2157 49 CFR 176 (2009)(2007), amended at 74 Fed. Reg. 53182 (October 16,
 2158 2009) and 75 Fed. Reg. 27205 (May 14, 2010)in 72 Fed. Reg. 55678
 2159 (October 1, 2007) and 73 Fed. Reg. 4699 (January 28, 2008) (Carriage by
 2160 Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138,
 2161 733.152, and 739.143.

2162
 2163 49 CFR 177 (2009)(2007), as amended at 75 Fed. Reg. 27205 (May 14,
 2164 2010)in 73 Fed. Reg. 4699 (January 28, 2008) (Carriage by Public
 2165 Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138,
 2166 733.152, and 739.143.

2167
 2168 49 CFR 178 (2009)(2007), as amended at 75 Fed. Reg. 63 (January 4,
 2169 2010) and 75 Fed. Reg. 5376 (February 2, 2010)in 72 Fed. Reg. 55678
 2170 (October 1, 2007) and 72 Fed. Reg. 59146 (October 18, 2007)
 2171 (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code
 2172 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138,
 2173 733.152, and 739.143.

2174
 2175 49 CFR 179 (2009)(2007), as amended at 75 Fed. Reg. 27205 (May 14,
 2176 2010)in 72 Fed. Reg. 55678 (October 1, 2007) (Specifications for Tank
 2177 Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416,
 2178 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

2179
 2180 49 CFR 180 (2009)(2007), as amended at 74 Fed. Reg. 53182 (October
 2181 16, 2009)in 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 4699
 2182 (January 28, 2008) (Continuing Qualification and Maintenance of
 2183 Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987,
 2184 733.118, 733.138, 733.152, and 739.143.

2185
 2186 c) Federal Statutes:

2187
 2188 Section 11 of the Atomic Energy Act of 1954 (42 USC 2014), as amended

2189 through January 3, 2006, referenced in 35 Ill. Adm. Code 721.104 and
2190 726.310.

2191
2192 Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and
2193 Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended
2194 through January 3, 2006, referenced in Section 720.110 and 35 Ill. Adm.
2195 Code 733.109.

2196
2197 Section 1412 of the Department of Defense Authorization Act of 1986,
2198 Pub. L. 99-145 (50 USC 1521(j)(1)), as amended through January 3, 2006,
2199 referenced in 35 Ill. Adm. Code 726.301.

2200
2201 d) This Section incorporates no later editions or amendments.

2202
2203 (Source: Amended at 34 Ill. Reg. _____, effective _____)

2204
2205 **SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES**

2206
2207 **Section 720.122 Waste Delisting**

2208
2209 a) Any person seeking to exclude a waste from a particular generating facility from
2210 the lists in Subpart D of 35 Ill. Adm. Code 721 may file a petition, as specified in
2211 subsection (n) of this Section. The Board will grant the petition if the following
2212 occur:

2213
2214 1) The petitioner demonstrates that the waste produced by a particular
2215 generating facility does not meet any of the criteria under which the waste
2216 was listed as a hazardous or acute hazardous waste; and

2217
2218 2) The Board determines that there is a reasonable basis to believe that
2219 factors (including additional constituents) other than those for which the
2220 waste was listed could cause the waste to be a hazardous waste, that such
2221 factors do not warrant retaining the waste as a hazardous waste. A Board
2222 determination under the preceding sentence must be made by reliance on,
2223 and in a manner consistent with, "EPA RCRA Delisting Program –
2224 Guidance Manual for the Petitioner," incorporated by reference in Section
2225 720.111(a). A waste that is so excluded, however, still may be a hazardous
2226 waste by operation of Subpart C of 35 Ill. Adm. Code 721.

2227
2228 b) Listed wastes and mixtures. A person may also petition the Board to exclude
2229 from 35 Ill. Adm. Code 721.103(a)(2)(B) or ~~(c)(a)(2)(C)~~, a waste that is described
2230 in these Sections and is either a waste listed in Subpart D of 35 Ill. Adm. Code
2231 721, or is derived from a waste listed in that Subpart. This exclusion may only be

2232 granted for a particular generating, storage, treatment, or disposal facility. The
 2233 petitioner must make the same demonstration as required by subsection (a) of this
 2234 Section. Where the waste is a mixture of a solid waste and one or more listed
 2235 hazardous wastes or is derived from one or more listed hazardous wastes, the
 2236 demonstration must be made with respect to the waste mixture as a whole;
 2237 analyses must be conducted for not only those constituents for which the listed
 2238 waste contained in the mixture was listed as hazardous, but also for factors
 2239 (including additional constituents) that could cause the waste mixture to be a
 2240 hazardous waste. A waste that is so excluded may still be a hazardous waste by
 2241 operation of Subpart C of 35 Ill. Adm. Code 721.
 2242

2243 c) Ignitable, corrosive, reactive and toxicity characteristic wastes. If the waste is
 2244 listed in codes "I," "C," "R," or "E" in Subpart D of 35 Ill. Adm. Code 721, the
 2245 following requirements apply:
 2246

- 2247 1) The petitioner must demonstrate that the waste does not exhibit the
 2248 relevant characteristic for which the waste was listed, as defined in 35 Ill.
 2249 Adm. Code 721.121, 721.122, 721.123, or 721.124, using any applicable
 2250 methods prescribed in those Sections. The petitioner must also show that
 2251 the waste does not exhibit any of the other characteristics, defined in those
 2252 Sections, using any applicable methods prescribed in those Sections; and
 2253
- 2254 2) Based on a complete petition, the Board will determine, if it has a
 2255 reasonable basis to believe that factors (including additional constituents)
 2256 other than those for which the waste was listed could cause the waste to be
 2257 hazardous waste, that such factors do not warrant retaining the waste as a
 2258 hazardous waste. A Board determination under the preceding sentence
 2259 must be made by reliance on, and in a manner consistent with, "EPA
 2260 RCRA Delisting Program – Guidance Manual for the Petitioner,"
 2261 incorporated by reference in Section 720.111(a). A waste that is so
 2262 excluded, however, may still be a hazardous waste by operation of Subpart
 2263 C of 35 Ill. Adm. Code 721.
 2264

2265 d) Toxic waste. If the waste is listed in code "T" in Subpart D of 35 Ill. Adm. Code
 2266 721, the following requirements apply:
 2267

- 2268 1) The petitioner must demonstrate that the waste fulfills the following
 2269 criteria:
 2270
- 2271 A) It does not contain the constituent or constituents (as defined in
 2272 Appendix G of 35 Ill. Adm. Code 721) that caused USEPA to list
 2273 the waste; or
 2274

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- 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 such 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 so excluded, 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 such 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, however, may still be a hazardous waste by operation of Subpart C of 35 Ill. Adm. Code 721.

- 2317 f) This subsection (f) corresponds with 40 CFR 260.22(f), which USEPA has
2318 marked "reserved." This statement maintains structural consistency with the
2319 federal regulations.
2320
- 2321 g) This subsection (g) corresponds with 40 CFR 260.22(g), which USEPA has
2322 marked "reserved." This statement maintains structural consistency with the
2323 federal regulations.
2324
- 2325 h) Demonstration samples must consist of enough representative samples, but in no
2326 case less than four samples, taken over a period of time sufficient to represent the
2327 variability or the uniformity of the waste.
2328
- 2329 i) Each petition must include, in addition to the information required by subsection
2330 (n) of this Section:
2331
- 2332 1) The name and address of the laboratory facility performing the sampling
2333 or tests of the waste;
 - 2334 2) The names and qualifications of the persons sampling and testing the
2335 waste;
2336
 - 2337 3) The dates of sampling and testing;
2338
 - 2339 4) The location of the generating facility;
2340
 - 2341 5) A description of the manufacturing processes or other operations and feed
2342 materials producing the waste and an assessment of whether such
2343 processes, operations, or feed materials can or might produce a waste that
2344 is not covered by the demonstration;
2345
 - 2346 6) A description of the waste and an estimate of the average and maximum
2347 monthly and annual quantities of waste covered by the demonstration;
2348
 - 2349 7) Pertinent data on and discussion of the factors delineated in the respective
2350 criterion for listing a hazardous waste, where the demonstration is based
2351 on the factors in 35 Ill. Adm. Code 721.111(a)(3);
2352
 - 2353 8) A description of the methodologies and equipment used to obtain the
2354 representative samples;
2355
 - 2356 9) A description of the sample handling and preparation techniques,
2357 including techniques used for extraction, containerization, and
2358 preservation of the samples;
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- 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 pursuant to Section 720.120(a).
- n) Delistings that have not been adopted by USEPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g) of this Section, 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:

2403
2404 USEPA
2405 Office of Resource Conservation and Recovery ~~Solid Waste and~~
2406 ~~Emergency Response~~
2407 1200 Pennsylvania Avenue, NW
2408 Washington, D.C. 20460

2409
2410 USEPA, Region 5
2411 77 West Jackson Boulevard
2412 Chicago, IL 60604
2413

- 2414 2) The Board will mail copies of all opinions and orders to USEPA at the
2415 above addresses.
2416
2417 3) In conjunction with the normal updating of the RCRA regulations, the
2418 Board will maintain, in Appendix I of 35 Ill. Adm. Code 721, a listing of
2419 all adjusted standards granted by the Board.
2420
2421 o) The Agency may determine in a permit or a letter directed to a generator that,
2422 based on 35 Ill. Adm. Code 721, a waste from a particular source is not subject to
2423 these regulations. Such a finding is evidence against the Agency in any
2424 subsequent proceedings but will not be conclusive with reference to other persons
2425 or the Board.
2426
2427 p) Any petition to delist directed to the Board or request for determination directed
2428 to the Agency must include a showing that the waste will be generated or
2429 managed in Illinois.
2430
2431 q) The Board will not grant any petition that would render the Illinois RCRA
2432 program less stringent than if the decision were made by USEPA.
2433
2434 r) Delistings apply only within Illinois. Generators must comply with 35 Ill. Adm.
2435 Code 722 for waste that is hazardous in any state to which it is to be transported.
2436

2437 (Source: Amended at 34 Ill. Reg. _____, effective _____)
2438

2439 **Section 720.130 Procedures for Solid Waste Determinations and Non-Waste**
2440 **Determinations**
2441

2442 In accordance with the standards and criteria in ~~Sections~~ Section 720.131 and 720.134 and the
2443 procedures in Section 720.133, the Board will determine on a case-by-case basis that the
2444 following recycled materials are not solid wastes:
2445

- 2446 a) Materials that are accumulated speculatively without sufficient amounts being
2447 recycled (as defined in Section 721.101(c)(8));
2448
- 2449 b) Materials that are reclaimed and then reused within the original production
2450 process in which they were generated; ~~and~~
2451
- 2452 c) Materials that have been reclaimed but must be reclaimed further before the
2453 materials are completely recovered;:-
2454
- 2455 d) Hazardous secondary materials that are reclaimed in a continuous industrial
2456 process; and
2457
- 2458 e) Hazardous secondary materials that are indistinguishable in all relevant aspects
2459 from a product or intermediate.
2460

2461 (Source: Amended at 34 Ill. Reg. _____, effective _____)
2462

2463 **Section 720.133 Procedures for Determinations** 2464

2465 The Board will use the procedures of Subpart D of 35 Ill. Adm. Code 104 for determining
2466 whether a material is a solid waste, ~~or~~ for determining whether a particular enclosed flame
2467 combustion device is a boiler, or for evaluating an application for a non-waste determination.
2468

- 2469 a) The application must address the relevant criteria contained in Section 720.131,
2470 720.132, or 720.134, as applicable.
2471
- 2472 b) This subsection (b) corresponds with 40 CFR 260.33(b), which pertains to the
2473 USEPA procedure for review of petitions. This statement maintains structural
2474 consistency with USEPA rules.
2475
- 2476 c) For a non-waste determination, in the event of a change in circumstances that
2477 affects how a hazardous secondary material meets the relevant criteria contained
2478 in Section 720.134 upon which a non-waste determination has been based, the
2479 applicant must re-apply to the Board for a formal determination that the hazardous
2480 secondary material continues to meet the relevant criteria and therefore is not a
2481 solid waste.
2482

2483 (Source: Amended at 34 Ill. Reg. _____, effective _____)
2484

2485 **Section 720.134 Non-Waste Determinations** 2486

- 2487 a) A person generating, managing, or reclaiming hazardous secondary material may
2488 petition the Board pursuant to this Section, Section 720.133 and Section 28.2 of

2489 the Act [415 ILCS 5/28.2] for an adjusted standard that is a formal determination
 2490 that a hazardous secondary material is not discarded and therefore is not a solid
 2491 waste. The Board's adjusted standard determination will be based on the criteria
 2492 contained in either subsection (b) or (c) of this Section, as applicable. If the
 2493 Board denies the petition, the hazardous secondary material might still be eligible
 2494 for a solid waste determination pursuant to Section 720.131 or an exclusion. A
 2495 determination made by the Board pursuant to this Section becomes effective upon
 2496 occurrence of the first of the following two events:

- 2497
- 2498 1) After USEPA has authorized Illinois to administer this segment of the
- 2499 hazardous waste regulations, the determination is effective upon issuance
- 2500 of the Board order that grants the non-waste determination; or
- 2501
- 2502 2) Before USEPA has granted such authorization, the non-waste
- 2503 determination becomes effective upon fulfillment of all of the following
- 2504 conditions:
 - 2505
 - 2506 A) The Board has granted an adjusted standard determining that the
 - 2507 hazardous secondary material meets the criteria in either
 - 2508 subsection (b) or (c) of this Section, as applicable;
 - 2509
 - 2510 B) The Agency has requested that USEPA review the Board's non-
 - 2511 waste determination; and
 - 2512
 - 2513 C) USEPA has approved the Board's non-waste determination.
 - 2514

2515 b) The Board will grant a non-waste determination for hazardous secondary material
 2516 that is reclaimed in a continuous industrial process if the Board determines that
 2517 the applicant has demonstrated that the hazardous secondary material is a part of
 2518 the production process and the material is not discarded. The determination will
 2519 be based on whether the hazardous secondary material is legitimately recycled, as
 2520 determined pursuant to Section 720.143, and on the following criteria:

- 2521
- 2522 1) The extent to which the management of the hazardous secondary material
- 2523 is part of the continuous primary production process and is not waste
- 2524 treatment;
- 2525
- 2526 2) Whether the capacity of the production process would use the hazardous
- 2527 secondary material in a reasonable time frame and ensure that the
- 2528 hazardous secondary material will not be abandoned (for example, based
- 2529 on past practices, market factors, the nature of the hazardous secondary
- 2530 material, or any contractual arrangements);
- 2531

- 2532 3) Whether the hazardous constituents in the hazardous secondary material
2533 are reclaimed, rather than released to the air, water, or land, at
2534 significantly higher levels, from either a statistical or from a health and
2535 environmental risk perspective, than would otherwise be released by the
2536 production process; and
2537
- 2538 4) Other relevant factors demonstrating that the hazardous secondary
2539 material is not discarded.
2540
- 2541 c) The Board will grant a non-waste determination for a hazardous secondary
2542 material that is indistinguishable in all relevant aspects from a product or
2543 intermediate if the petitioner demonstrates that the hazardous secondary material
2544 is comparable to a product or intermediate and is not discarded. The Board's
2545 determination will be based on whether the hazardous secondary material is
2546 legitimately recycled, as determined pursuant to Section 720.143, and on the
2547 following criteria:
2548
- 2549 1) Whether market participants treat the hazardous secondary material as a
2550 product or intermediate, rather than as a waste (for example, based on the
2551 current positive value of the hazardous secondary material, stability of
2552 demand, or any contractual arrangements);
2553
- 2554 2) Whether the chemical and physical identity of the hazardous secondary
2555 material is comparable to commercial products or intermediates;
2556
- 2557 3) Whether the capacity of the market would use the hazardous secondary
2558 material in a reasonable time frame and ensure that the hazardous
2559 secondary material will not be abandoned (for example, based on past
2560 practices, market factors, the nature of the hazardous secondary material,
2561 or any contractual arrangements);
2562
- 2563 4) Whether the hazardous constituents in the hazardous secondary material
2564 are reclaimed, rather than released to the air, water, or land, at
2565 significantly higher levels, from either a statistical or from a health and
2566 environmental risk perspective, than would otherwise be released by the
2567 production process; and
2568
- 2569 5) Other relevant factors demonstrating that the hazardous secondary
2570 material is not discarded.
2571

2572 BOARD NOTE: USEPA intended that use of the non-waste determination procedure is
2573 voluntary. By this procedure, the generator or other person managing a hazardous
2574 secondary material may obtain a formal determination that a particular use of a hazardous

2575 secondary material is legitimate recycling. The generator and others managing the
2576 material may independently make a determination pursuant to Section 720.143 and
2577 manage the material under one of the exemptions from the definition of solid waste
2578 codified at 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25). See
2579 73 Fed. Reg. 64668, 74710 (Oct. 30, 2008).

2580
2581 (Source: Added at 34 Ill. Reg. _____, effective _____)
2582

2583 **Section 720.142 Notification Requirement for Hazardous Secondary Materials**
2584

2585 a) A hazardous secondary material generator, a tolling contractor, a toll
2586 manufacturer, a reclaimer, or an intermediate facility that manages hazardous
2587 secondary materials that are excluded from regulation under 35 Ill. Adm. Code
2588 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) must send a notification to
2589 USEPA Region 5. The notification must occur prior to operating under the
2590 exclusion and before March 1 of every even-numbered calendar year thereafter
2591 using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of
2592 Land (217-782-6762). The notification must include the following information:

2593
2594 1) The name, address, and USEPA identification number (if applicable) of
2595 the facility;

2596
2597 2) The name and telephone number of a contact person for the facility;

2598
2599 3) The NAICS code of the facility;

2600
2601 BOARD NOTE: Determined using the "North American Industry
2602 Classification System," incorporated by reference in Section 720.111.
2603

2604 4) The exclusion under which the facility will manage the hazardous
2605 secondary materials (e.g., 35 Ill. Adm. Code 721.102(a)(2)(B) or
2606 721.104(a)(23), (a)(24), or (a)(25));

2607
2608 5) For a reclaimer or intermediate facility that manages hazardous secondary
2609 materials in accordance with Section 721.104(a)(24) or (a)(25), whether
2610 the reclaimer or intermediate facility has financial assurance (not
2611 applicable for persons managing hazardous secondary materials generated
2612 and reclaimed under the control of the generator);

2613
2614 6) When the facility expects to begin managing the hazardous secondary
2615 materials in accordance with the exclusion;
2616

- 2617 7) A list of hazardous secondary materials that the facility will manage
2618 according to the exclusion (reported as the USEPA hazardous waste
2619 numbers that would apply if the hazardous secondary materials were
2620 managed as hazardous wastes);
2621
2622 8) For each hazardous secondary material, whether the hazardous secondary
2623 material, or any portion thereof, will be managed in a land-based unit;
2624
2625 9) The quantity of each hazardous secondary material to be managed
2626 annually; and
2627
2628 10) The certification (included in USEPA Form 8700-12) signed and dated by
2629 an authorized representative of the facility.
2630
2631 b) If a hazardous secondary materials generator, tolling contractor, toll manufacturer,
2632 reclaimer, or intermediate facility has submitted a notification, but then
2633 subsequently ceases managing hazardous secondary materials in accordance with
2634 the exclusions, the facility owner or operator must notify the Agency within 30
2635 days after the cessation using a copy of USEPA Form 8700-12 obtained from the
2636 Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility
2637 has stopped managing hazardous secondary materials if the facility no longer
2638 generates, manages, or reclaims hazardous secondary materials under the
2639 exclusions, and the facility owner or operator does not expect to manage any
2640 amount of hazardous secondary materials for at least one year.

2641
2642 BOARD NOTE: USEPA Form 8700-12 is the required instructions and forms for
2643 notification of regulated waste activity.
2644

2645 (Source: Added at 34 Ill. Reg. _____, effective _____)
2646

2647 **Section 720.143 Legitimate Recycling of Hazardous Secondary Materials**
2648

- 2649 a) This Section applies to any person that is regulated pursuant to Section 720.134 or
2650 that claims to be excluded from hazardous waste regulation pursuant to 35 Ill.
2651 Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) because that
2652 person is engaged in reclamation. Any such person must be able to demonstrate
2653 that the recycling in which it is engaged is legitimate recycling. Hazardous
2654 secondary material that is not the subject of legitimate recycling is discarded
2655 material and is a solid waste. A determination that an activity is legitimate
2656 recycling must address the factors set forth in subsections (b) and (c) of this
2657 Section.
2658

- 2659 b) Factors fundamental to a determination of legitimate recycling. Legitimate
2660 recycling must involve a hazardous secondary material that provides a useful
2661 contribution to the recycling process or to a product or intermediate of the
2662 recycling process, and the recycling process must produce a valuable product or
2663 intermediate.
- 2664
- 2665 1) The hazardous secondary material provides a useful contribution to the
2666 recycling process or to a product or intermediate if any of the following is
2667 true of its reclamation:
- 2668
- 2669 A) It contributes valuable ingredients to a product or intermediate;
2670
- 2671 B) It replaces a catalyst or carrier in the recycling process;
2672
- 2673 C) It is the source of a valuable constituent recovered in the recycling
2674 process;
- 2675
- 2676 D) It is recovered or regenerated by the recycling process; or
2677
- 2678 E) It is used as an effective substitute for a commercial product.
2679
- 2680 2) The product or intermediate produced is valuable if either of the following
2681 describes it:
- 2682
- 2683 A) It is sold to a third party; or
2684
- 2685 B) It is used by the recycler or the generator as an effective substitute
2686 for a commercial product or as an ingredient or intermediate in an
2687 industrial process.
2688
- 2689 c) Other factors for consideration in a determination of legitimate recycling. A
2690 determination whether a specific recycling activity constitutes legitimate
2691 recycling must consider the factors of subsection (c)(1) of this Section, in the way
2692 described in subsection (c)(2) of this Section.
2693
- 2694 1) The demonstration must show whether:
2695
- 2696 A) Both the generator and the recycler manage the hazardous
2697 secondary material as a valuable commodity. Where there is an
2698 analogous raw material, the demonstration must show whether the
2699 generator and the recycler manage the hazardous secondary
2700 material, at a minimum, in a manner consistent with the
2701 management of the raw material. Where there is no analogous raw

2702 material, the demonstration must show whether the hazardous
2703 secondary material is contained. A hazardous secondary material
2704 that is released to the environment and that is not immediately
2705 recovered is discarded material, which is solid waste; and
2706

2707 B) The demonstration must show whether each of the following is
2708 true of the product of the recycling process:
2709

2710 i) The product does not contain significant concentrations of
2711 any hazardous constituents listed in Appendix H to 35 Ill.
2712 Adm. Code 721 that are not found in analogous products;
2713

2714 ii) The product does not contain concentrations of any
2715 hazardous constituents listed in Appendix H to 35 Ill. Adm.
2716 Code 721 at levels that are significantly elevated above
2717 those found in analogous products; and
2718

2719 iii) The product does not exhibit a hazardous characteristic (as
2720 defined in Subpart C of 35 Ill. Adm. Code 721) that
2721 analogous products do not exhibit.
2722

2723 2) Determination whether a specific instance of reclamation is legitimate
2724 recycling. A determination that a specific instance of reclamation of a
2725 hazardous secondary material is legitimate recycling requires evaluation of
2726 all of the factors set forth in subsection (c)(1) of this Section, and the
2727 determination must consider legitimacy as a whole.
2728

2729 A) If, after careful evaluation, the determination is that the conditions
2730 of one or both of the factors set forth in subsection (c)(1) of this
2731 Section are not fulfilled, this fact militates in favor of a
2732 determination that the reclamation of the hazardous secondary
2733 material is not legitimate recycling. However, the non-fulfillment
2734 of the factors set forth in subsection (c)(1) of this Section does not
2735 require a determination that the reclamation is not legitimate
2736 recycling.
2737

2738 B) In evaluating the extent to which the reclamation fulfills the factors
2739 set forth in subsection (c)(1) of this Section, and in determining
2740 whether a specific reclamation process that does not meet one or
2741 both of these factors is still legitimate recycling, the determination
2742 can consider the protectiveness of the storage methods, exposure of
2743 persons and the environment to toxics in the product, the

2744 bioavailability of the toxics in the product, and other relevant
2745 considerations that bear on whether the recycling is legitimate.
2746

2747 BOARD NOTE: USEPA stated that the four legitimacy factors of this
2748 Section are substantially the same as its pre-existing "legitimacy policy,"
2749 as embodied in an internal USEPA memorandum. That memorandum
2750 elaborates "other relevant factors" as the economics of the recycling
2751 process (i.e., whether most of the revenue derives from sale of the product
2752 or from fees charged generators for managing their wastes) and whether
2753 the toxic constituents are necessary or of use to the product or are "just
2754 'along for the ride.'" Memorandum from Sylvia K. Lowrance, Director,
2755 USEPA, Office of Resource Conservation and Recovery, to Hazardous
2756 Waste Management Division Directors, USEPA Regions 1 through 10,
2757 attachment at p. 2; see 73 Fed. Reg. 64668, 709-10 (Oct. 31, 2008).
2758

2759 BOARD NOTE: USEPA uses "legitimate recycling" interchangeably with "legitimately
2760 recycled," "recycling is legitimate," and "recycling to be considered legitimate" in
2761 corresponding 40 CFR 260.43, as added at 73 Fed. Reg. 64668 (Oct. 30, 2008). The
2762 Board has standardized the usage "legitimate recycling" in this Section. USEPA refers to
2763 "reclamation of the material that is legitimate" in corresponding 40 CFR 261.2(a)(2)(ii)
2764 and 261.4(a)(23), (a)(24), and (a)(25) (2009), as determined pursuant to corresponding 40
2765 CFR 260.43 (2009). The Illinois provision at 35 Ill. Adm. Code 721.101(c)(7) (and
2766 corresponding federal 40 CFR 261.1(c)(7)) states that a material is "recycled" if it is
2767 "used, reused, or reclaimed." The Board intends that "legitimate reclamation," in
2768 referenced provisions 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or
2769 (a)(25), is synonymous with "legitimate recycling," as used in this Section.
2770

2771 (Source: Added at 34 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: DEFINITIONS AND REFERENCES

Section

720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.123 Petitions for Regulation as Universal Waste
720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.134 Non-Waste Determinations ~~and Non-Waste Determinations~~
720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis
720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142 Notification Requirement for Hazardous Secondary Materials
720.143 Legitimate Recycling of Hazardous Secondary Materials

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations

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 R81-22 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.

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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. _____, effective _____.

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 in such a way 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) is able to 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 which is not a closed portion. (See also "closed portion" and "inactive portion.")

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary 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 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 responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"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 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.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler 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 (such as 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 (such as 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 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.

"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 accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive 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.

"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 pursuant to 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. Such a 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 who receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of 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, pursuant to 35 Ill. Adm. Code 722.120, of which any of the following is true:

The facility has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703, and 705;

The facility has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (2005);

The facility has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (2005); or

The facility is regulated pursuant to 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 266; 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 in accordance with 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 pursuant to 40 CFR 271, but which 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 such 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 the purposes of 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" or "D/F" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins 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 such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. 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 runoff to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device of which the following is true:

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 which 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 hazardous waste number" or "USEPA 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.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator; transporter; and treatment, storage, or disposal facility.

"EPA region" 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 pursuant to 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 had commenced construction if the owner or operator had obtained the federal, State, and local approvals or permits necessary to begin physical construction and either of the following had occurred:

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

The owner or operator had entered into contractual obligations that could not be canceled or modified without substantial loss for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which 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 physical construction of the site or installation of the tank system and if either of the following is true:

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

The owner or operator has entered into contractual obligations that cannot be canceled or modified without substantial loss for physical construction of the site or installation of 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. Such 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 the completion of 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 consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action pursuant to 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 pursuant to RCRA section 3008(h).

Notwithstanding 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 such a 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 physical construction" 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 accordance with all applicable closure requirements so that hazardous waste management activities pursuant to 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"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.

"Gasification" means, for the purpose of complying with 35 Ill. Adm. Code 721.104(a)(12)(A), a process conducted in an enclosed device or system that is designed and operated to process petroleum feedstock, including oil-bearing hazardous secondary materials, through a series of highly controlled steps utilizing thermal decomposition, limited oxidation, and gas cleaning to yield a synthesis gas composed primarily of hydrogen and carbon monoxide gas.

"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 pursuant to 35 Ill. Adm. Code 721.

"Hazardous secondary material generated and reclaimed under the control of the generator" means one of the following materials:

A material that is both generated and reclaimed at the generating facility (for purposes of this ~~definition~~definition, generating facility means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator);

A material that is generated and reclaimed at different facilities, if both of the following conditions are fulfilled:

Either the reclaiming facility is controlled by the generator, or both the generating facility and the reclaiming facility are controlled by the same person, as "person" is defined in this Section; and

The generator provides either 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 the 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 purposes of this definition, "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 "person" is defined in this Section, shall not be deemed to "control" such facilities, or

A material that is generated pursuant to a written contract between a tolling contractor and a toll manufacturer and ~~which~~that is reclaimed by the tolling contractor, if the tolling contractor certifies the following:

"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~~that 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."

For purposes of this definition, "tolling contractor" means a person who arranges for the production of 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 pursuant to a written contract with a tolling contractor.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this definition, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of 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.

"Inactive portion" means that portion of a facility that is not operated after November 19, 1980. (See also "active portion" and "closed portion.")

"Incinerator" means any enclosed device of which the following is true:

The facility uses controlled flame combustion, and both of the following are true of the facility:

The facility does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

The facility is not listed as an industrial furnace; or

The facility 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.)

"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 such as 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 the production of 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 such device as the Agency determines to be an industrial furnace on the basis of 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.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"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 which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"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 the installation of tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than 10 days ~~which and that~~ is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

"International shipment" means the transportation of 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, but are not limited to, 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; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a 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 provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"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. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of 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) originated and signed by the generator or offeror that contains the information required by Subpart B of 35 Ill. Adm. Code 722 and 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 USC 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 reclamation of 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 pursuant to 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit pursuant to 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" 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.")

~~"NAICS Code" means the code number assigned a facility using the "North American Industry Classification System," incorporated by reference in Section 720.111.~~

"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, however, for purposes of 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.")

"Onground tank" means a device meeting the definition of tank that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"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. Noncontiguous 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 the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment.")

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance 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.

"Performance Track member facility" means a facility that has been accepted by USEPA for membership in the National Environmental Performance Track Program (Program) and which is still a member of that Program. The National Environmental Performance Track Program is a voluntary, facility-based, program for top environmental performers. A program member must demonstrate a good record of compliance and past success in achieving environmental goals, and it must commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.

BOARD NOTE: The National Environmental Performance Track program is operated exclusively by USEPA. USEPA established the program in 2000 (see 65 Fed. Reg. 41655 (July 6, 2000)) and amended it in 2004 (see 69 Fed. Reg. 27922 (May 17, 2004)). USEPA confers membership in the program on application of interested and eligible entities. Information about the program is available from a website maintained by USEPA: www.epa.gov/performancetrack.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with 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 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 USC 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 pursuant to FFDCA section 512 (21 USC 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 USC 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 USC 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.

"Pile" means any noncontainerized 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 which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" 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 certifications, or completion of 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, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes, but is not limited to, 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 USC 6901 et seq.).

"RCRA standardized permit" means a RCRA permit issued pursuant to 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.

"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator's designee.

"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 pursuant to 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which 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 accordance 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.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"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 set forth in its publication "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 which 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" means a generator that generates less than 1,000 kg of hazardous waste in a calendar month.

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

"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 which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of nonearthen 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~~chlorodibenzotetra-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 such a temperature control device in compliance 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 which 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~~ 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 the transportation of 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 the off-site transportation of hazardous waste 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 the purpose of 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 so as 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, where 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 pursuant to 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; and

Lamps, as described in 35 Ill. Adm. Code 733.105.

"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 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 transporter" means a person engaged in the off-site transportation of universal waste 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 as a result of such use is contaminated by physical or chemical impurities.

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

"USPS" means the United States Postal Service.

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

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

It is part of a wastewater treatment facility that has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310;

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 this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection.")

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of 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 34 Ill. Reg. _____, effective _____)

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, 515 North State Street, Suite 2000, Chicago, IL 60654, + 312-755-5000:

"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:

http://www.acgme.org/?acWebsite/?about/?ab_ACGMEglossary.pdf

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

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, 1430 Broadway, New York, New York 10018, 212-354-3300:

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, N.W., Washington, D.C. 20005, 202-682-8000:

"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 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 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, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"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. Available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:

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 93-85, "Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," approved October 25, 1985, USEPA-approved for 35 Ill. Adm. Code 721.121.

ASTM D 140-70, "Standard Practice for Sampling Bituminous Materials," approved 1970, referenced in Appendix A to 35 Ill. Adm. Code 721.

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 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 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 E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 724.963.

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 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 G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi," 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 Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, 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.

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"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, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code," NFPA 30, issued July 18, 2003, as supplemented by TIA 03-1, issued July 15, 2004, and corrected by Errata 30-03-01, issued August 13, 2004, USEPA-approved for 35 Ill. Adm. Code 724.298, 725.298, and 727.290, referenced in 35 Ill. Adm. Code 725.301 and 726.211.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: 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. BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"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, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry," USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: ~~EPA-821/R-98-002 is also~~ Also available on the Internet for free download as a PDF document from the USEPA website at:
www.epa.gov/waterscience/methods/16640514.pdf.

"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.

BOARD NOTE: ~~EPA-600/4-79-020 is also~~ Also available on the Internet as a viewable/printable HTML document from the USEPA website at:
www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System," July 2007, U.S. Department of Commerce, ~~Bureau of the U.S. Census Bureau, doc. no. 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.

BOARD NOTE: Also available on the Internet from the ~~Bureau of U.S. Census Bureau~~: www.census.gov/naics/2007/naicod07.htm.

"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.

"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.

BOARD NOTE: ~~EPA-454/R-92-019 is also~~ Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

"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, and 728.106 (in addition to the references cited below for specific methods):

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 for 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(r) 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 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for 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 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 Table H 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 Table H 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 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 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.

BOARD NOTE: ~~EPA-530/SW-846~~ is also available on the Internet for free download in segments in PDF format from the USEPA website at: www.epa.gov/SW-846.

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD "Amber List of Wastes," Appendix 4 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1993) (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

OECD "Amber Tier," Section IV of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

Annex to OECD Council Decision C(88)90/Final, as amended by C(94)152/Final (revised July 1994), referenced in 35 Ill. Adm. Code 722.187.

OECD "Green List of Wastes," Appendix 3 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1994) (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

OECD "Green Tier," Section III of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

OECD Guideline for Testing of Chemicals, "Ready Biodegradability," Method 301B (July 17, 1992), "CO2 Evolution (Modified Sturm Test)," referenced in 35 Ill. Adm. Code 724.414.

OECD "Red List of Wastes," Appendix 5 to the OECD Council Decision C(92)39/Final (March 30, 1992, revised May 1993), USEPA-approved for 35 Ill. Adm. Code 722.189, referenced in 35 Ill. Adm. Code 722.181.

OECD "Red Tier," Section V of the annex to the OECD Council Decision C(92)39/Final (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (revised May 1993), referenced in 35 Ill. Adm. Code 722.181.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988), amended by C(94)152/Final (July 28, 1994), "Decision of the Council on Transfrontier Movements of Hazardous Wastes," referenced in 35 Ill. Adm. Code 722.181 and 722.187.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986), referenced in 35 Ill. Adm. Code 724.293.

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-STD), as in effect on February 29, 2008, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in March 2007, referenced in 35 Ill. Adm. Code 726.303.

"Requisition Tracking Form" (DD Form 1348), as in effect in July 1991, referenced in 35 Ill. Adm. Code 726.303.

"The Signature and Tally Record" (DD Form 1907), as in effect in November 2006, referenced in 35 Ill. Adm. Code 726.303.

"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles" (DD Form 836), as in effect in December 2007, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09-STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, DD Form 836, and DOD 6055.09-STD are available on-line for download in pdf format from <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

USEPA, Office of Ground Water and Drinking Water. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 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: ~~EPA-454/R-92-019 is also~~ Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

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.

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 Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006~~-(2008)~~ (2010) (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 702.110, 726.425, and 726.450.

Table II, column 2 in Appendix B to 10 CFR 20 ~~(2008)~~-(2010) (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 ~~(2008)~~, ~~as amended at 73 Fed. Reg. 30456 (May 28, 2008)~~ (2010) (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 ~~(2008)~~, ~~as amended at 73 Fed. Reg. 30456 (May 28, 2008)~~-(2010) (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 ~~(2008)~~-(2010) (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 ~~(2008)~~ (2009) (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.2 ~~(2007)~~ (2009) (How Does This Part Provide for Electronic Reporting?), referenced in Section 720.104.

40 CFR 3.3 ~~(2007)~~ (2009) (What Definitions Are Applicable to This Part?), referenced in Section 720.104.

40 CFR 3.10 ~~(2007)~~ (2009) (What Are the Requirements for Electronic Reporting to EPA?), referenced in Section 720.104.

40 CFR 3.2000 ~~(2007)~~ (2009) (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) ~~(2007)~~ (2009) (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 ~~(2007)~~ (2009) (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 ~~(2007)~~ (2009) (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 ~~(2007) (2009), as amended at 72 Fed. Reg. 51365 (September 7, 2007), 72 Fed. Reg. 51494 (September 7, 2007), 72 Fed. Reg. 55278 (September 28, 2007), 72 Fed. Reg. 59190 (October 19, 2007), 72 Fed. Reg. 62414 (November 5, 2007), 72 Fed. Reg. 64860 (November 16, 2007), 73 Fed. Reg. 3568 (January 18, 2008), 73 Fed. Reg. 18162 (April 3, 2008), 73 Fed. Reg. 24870 (May 6, 2008), 73 Fed. Reg. 29691 (May 22, 2008), 73 Fed. Reg. 30308 (May 27, 2008), 73 Fed. Reg. 31368 (June 2, 2008), 73 Fed. Reg. 31372 (June 2, 2008), and 73 Fed. Reg. 35838 (June 24, 2008)~~ 2009, as amended at 74 Fed. Reg. 51368 (October 6, 2009), 74 Fed. Reg. 51950 (October 8, 2009), 74 Fed. Reg. 55142 (October 27, 2009), and 74 Fed. Reg. 66921 (December 17, 2009) (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 ~~(2007, as amended at 72 Fed. Reg. 64860 (November 16, 2007))~~ (2009) (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Appendix A to 40 CFR 60 ~~(2007), as amended at 72 Fed. Reg. 51365 (September 7, 2007), 72 Fed. Reg. 51494 (September 7, 2007), 72 Fed. Reg. 55278 (September 28, 2007), 73 Fed. Reg. 29691 (May 22, 2008)~~ (2009) (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 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 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 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 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 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, 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 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 724.934 and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 724.987 and 725.987.

40 CFR 61 (~~2007~~-(2009)), as amended at ~~73 Fed. Reg. 18162 (April 3, 2008) and 73 Fed. Reg. 24870 (May 6, 2008)~~ 74 Fed. Reg. 55142 (October 27, 2009) and 74 Fed. Reg. 66921 (December 17, 2009) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (~~2007~~-(2009)) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 724.989 and 725.990.

Subpart FF of 40 CFR 61-~~(2007)~~ (2009) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 ~~(2007)~~-(2009), as amended in at ~~72 Fed. Reg. 36363 (July 3, 2007), 72 Fed. Reg. 38864 (July 16, 2007), 72 Fed. Reg. 61060 (October 29, 2007), 72 Fed. Reg. 73180 (December 26, 2007), 72 Fed. Reg. 73611 (December 28, 2007), 72 Fed. Reg. 74088 (December 28, 2007), 73 Fed. Reg. 226 (January 2, 2008), 73 Fed. Reg. 1738 (January 9, 2008), 73 Fed. Reg. 1916 (January 10, 2008), 73 Fed. Reg. 3568 (January 18, 2008), 73 Fed. Reg. 7210 (February 7, 2008), 73 Fed. Reg. 12276 (March 7, 2008), 73 Fed. Reg. 17252 (April 1, 2008), 73 Fed. Reg. 18169 (April 3, 2008), 73 Fed. Reg. 18970 (April 8, 2008), 73 Fed. Reg. 21825 (April 23, 2008), and 73 Fed. Reg. 24870 (May 6, 2008)~~at 74 Fed. Reg. 46493 (September 10, 2009), 74 Fed. Reg. 55670 (October 28, 2009), 74 Fed. Reg. 56008 (October 29, 2009), 74 Fed. Reg. 63236 (December 2, 2009), 74 Fed. Reg. 63504 (December 3, 2009), 74 Fed. Reg. 63613 (December 4, 2009), 74 Fed. Reg. 69194 (December 30, 2009), 75 Fed. Reg. 522 (January 5, 2010), 75 Fed. Reg. 9468 (March 3, 2010), 75 Fed. Reg. 10184 (March 5, 2010), and 75 Fed. Reg. 12988 (March 18, 2010) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 725.933, 725.964, and 725.980.

Subpart RR of 40 CFR 63 ~~(2007)~~-(2009) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 724.982, 724.984, 724.985, 725.983, 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 ~~(2007), as amended at 73 Fed. Reg. 18970 (April 8, 2008)~~ (2009) (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 ~~(2007)~~-(2009) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

Appendix C to 40 CFR 63 ~~(2007)~~-(2009) (Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 ~~(2007)~~-(2009) (Test Methods), referenced in 35 Ill. Adm. Code 725.984.

40 CFR 136.3 (Identification of Test Procedures) ~~(2007)~~-(2009), referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 ~~(2007)~~ (2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2—~~(2007)~~ (2009) (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 ~~(2007)~~ (2009) (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 258—~~(2007)~~ (2009) (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21 ~~(2007)~~ (2009) (Alternative Equivalent Testing Methods), referenced in Section 720.121.

Appendix I to 40 CFR 260—~~(2007)~~ (2009), as amended at 75 Fed. Reg. 12989 (March 18, 2010) (Overview of Subtitle C Regulations), referenced in Appendix A to 35 Ill. Adm. Code 720.

40 CFR 261.151 (2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261—~~(2007)~~ (2009) (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 ~~(2007)~~ (2009) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54—~~(2007)~~ (2009) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 ~~(2007)~~ (2009), as amended at 75 Fed. Reg. 1236 (January 8, 2010) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 ~~(2007)~~ (2009), as amended at 75 Fed. Reg. 12989 (March 18, 2010) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 ~~(2007)~~ (2009) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 ~~(2007)~~ (2009) (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—~~(2007)~~ (2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

Appendix I to 40 CFR 264—~~(2007)~~ (2009) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 ~~(2007)~~ (2009) (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 ~~(2007)~~ (2009) (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 ~~(2007)~~-(2009) (Political Jurisdictions in Which Compliance with § 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306 and 724.118.

Appendix I to 40 CFR 265 ~~(2007)~~-(2009) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 ~~(2007)~~-(2009) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 ~~(2007)~~-(2009) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 ~~(2007)~~-(2009) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Appendix IX to 40 CFR 266 ~~(2007)~~-(2009) (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.

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 (2009) (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5-~~(2007)~~ (2009) (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 761-~~(2007), amended in 72 Fed. Reg. 53152 (September 18, 2007) and 72 Fed. Reg. 57235 (October 9, 2007)~~ (2009) (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3-~~(2007)~~ (2009) (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 ~~(2007), amended in 72 Fed. Reg. 57235 (October 9, 2007)~~-(2009) (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 ~~(2007, amended in 72 Fed. Reg. 57235 (October 9, 2007))~~-(2009) (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 ~~(2007), amended in 72 Fed. Reg. 57235 (October 9, 2007)~~-(2009) (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678~~ ~~(October 1, 2007)~~ at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 15613 (March 30, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007),~~ ~~73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376 (February 2, 2010), 75 Fed. Reg. 27205 (May 14, 2010) (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 ~~(2007)~~ (2009) (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007),~~ ~~73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007)~~ at 74 Fed. Reg. 53182 (October 16, 2009) (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 ~~(2007)~~ (2009) (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007),~~ ~~72 Fed. Reg. 59146 (October 18, 2007), 73 Fed. Reg. 1089 (January 7, 2008),~~ ~~73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 20752 (April 16, 2008)~~ 2009, as amended at 74 Fed. Reg. 52896 (October 15, 2009), 74 Fed. Reg. 53182 (October 16, 2009), 74 Fed. Reg. 53413 (October 19, 2009), 74 Fed. Reg. 54489 (October 22, 2009), 74 Fed. Reg. 65696 (December 11, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 10974 (March 8, 2010) (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

49 CFR 172.304 ~~(2007)~~, amended ~~in 72 Fed. Reg. 55678 (October 1, 2007)~~ (2009) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart F of 49 CFR 172 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678~~ ~~(October 1, 2007)~~ at 75 Fed. Reg. 5376 (February 2, 2010) (Placarding), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 173 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007),~~ ~~73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009), 75 Fed. Reg. 63 (January 4, 2010), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Shippers - General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.986, 724.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2—~~(2007)~~ (2009) (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 ~~(2007)~~ (2009), as amended ~~in at 73 Fed. Reg. 4699 (January 28, 2008)~~ at 75 Fed. Reg. 27205 (May 14, 2010) (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, and 725.987.

49 CFR 173.28—~~(2007)~~ (2009), as amended at 75 Fed. Reg. 5376 (February 2, 2010) (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 ~~(2007)~~ (2009) (Class 1 - Definitions), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.54—~~(2006)~~ (2009) (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.124.

49 CFR 173.115 ~~(2007)~~ (2009), as amended at 75 Fed. Reg. 63 (January 4, 2010) (Class 2, Divisions 2.1, 2.2, and 2.3 - Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 20752 (April 16, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009), 74 Fed. Reg. 53413 (October 19, 2009), 74 Fed. Reg. 54489 (October 22, 2009), 75 Fed. Reg. 5376 (February 2, 2010), and 75 Fed. Reg. 27205 (May 14, 2010) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007), 73 Fed. Reg. 4699 (January 28, 2008), and 73 Fed. Reg. 23362 (April 30, 2008)~~ at 75 Fed. Reg. 63 (January 4, 2010) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 4699 (January 28, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009) and 75 Fed. Reg. 27205 (May 14, 2010) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 ~~(2007)~~ (2009), as amended ~~in at 73 Fed. Reg. 4699 (January 28, 2008)~~ at 75 Fed. Reg. 27205 (May 14, 2010) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 178 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007) and 72 Fed. Reg. 59146 (October 18, 2007)~~ at 75 Fed. Reg. 63 (January 4, 2010) and 75 Fed. Reg. 5376 (February 2, 2010) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007)~~ at 75 Fed. Reg. 27205 (May 14, 2010) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 ~~(2007)~~ (2009), as amended ~~in at 72 Fed. Reg. 55678 (October 1, 2007) and 73 Fed. Reg. 4699 (January 28, 2008)~~ at 74 Fed. Reg. 53182 (October 16, 2009)

(Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014), as amended through January 3, 2006, referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j)), as amended through January 3, 2006, referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145 (50 USC 1521(j)(1)), as amended through January 3, 2006, referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

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

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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) of this Section. 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 such 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 ~~(a)(2)(C)~~(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) of this Section. Where 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 such 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 fulfills the following criteria:

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 such 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 so excluded, 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 such 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, 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 consist of enough representative samples, but in no case less than four samples, taken over a period of time 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) of this Section:

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 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, where 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 extraction, containerization, and preservation of 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 pursuant to Section 720.120(a).
- n) Delistings that have not been adopted by USEPA may be proposed to the Board pursuant to a petition for adjusted standard pursuant to Section 28.1 of the Act [415 ILCS 5/28.1] and Subpart D of 35 Ill. Adm. Code 104. The justification for the adjusted standard is as specified in subsections (a) through (g) of this Section, 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 ~~Solid Waste and Emergency Response~~ 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. Such a 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 34 Ill. Reg. _____, effective _____)

~~SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES~~

Section 720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations

In accordance with the standards and criteria in ~~Section~~ 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 Section 721.101(c)(8));

b) Materials that are reclaimed and then reused within the original production process in which they were generated; ~~and~~

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 34 Ill. Reg. _____, effective _____)

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, ~~or~~ 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) For a non-waste determination, in the event of a change in circumstances that affects how a hazardous secondary material meets the relevant criteria contained in Section 720.134 upon which a non-waste determination has been based, the applicant must re-apply to the Board for a formal determination that the hazardous secondary material continues to meet the relevant criteria and therefore is not a solid waste.

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

Section 720.134 Non-Waste Determinations

a) A person generating, managing, or reclaiming hazardous secondary material may petition the Board pursuant to this Section, Section 720.133 and ~~section~~Section 28.2 of the Act [415 ILCS 5/28.2] 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) of this Section, as applicable. If the Board denies the petition, the hazardous secondary material might still be eligible for a solid waste determination pursuant to Section 720.131 or an exclusion. A determination made by the Board pursuant to 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 such authorization, the non-waste determination becomes effective upon fulfillment of all of the following conditions:

A) The Board has granted an adjusted standard ~~which determines~~determining that the hazardous secondary material meets the criteria in either subsection (b) or (c) of this Section, 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 pursuant to 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 ~~which demonstrated~~demonstrating that the hazardous secondary material is not discarded.
- 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 pursuant to 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 ~~which demonstrated~~demonstrating that the hazardous secondary material is not discarded.

BOARD NOTE: USEPA intended that use of the non-waste determination procedure is voluntary. By this procedure, the generator or other person managing a hazardous secondary material may obtain a formal determination that a particular use of a hazardous secondary material is legitimate recycling. The generator and others managing the material may independently make a determination pursuant to Section 720.143 and manage the material under one of the exemptions from the definition of solid waste codified at 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25). See 73 Fed. Reg. 64668, 74710 (Oct. 30, 2008).

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

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A hazardous secondary material generator, a tolling contractor, a toll manufacturer, a reclaimer, or an intermediate facility that manages hazardous secondary materials ~~which~~that are excluded from regulation under 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) must send a notification to USEPA Region 5. The notification must occur prior to operating under the exclusion and before March 1 of every even-numbered calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). 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;

BOARD NOTE: Determined using the "North American Industry Classification System," incorporated by reference in Section 720.111.

4) The exclusion under which the facility will manage the hazardous secondary materials (e.g., 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25));

5) For a reclaimer or intermediate facility that ~~manage~~manages hazardous secondary materials in accordance with Section 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 expects to begin managing the hazardous secondary materials in accordance with the exclusion;

7) A list of hazardous secondary materials that the facility will manage according to the exclusion (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 hazardous secondary ~~material~~materials generator, tolling contractor, toll manufacturer, reclaimer, or intermediate facility has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with the exclusions, the facility owner or operator must notify the Agency within 30 days ~~of~~after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For

purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the exclusions, 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 the required instructions and forms for notification of regulated waste activity.

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

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

a) This Section applies to any person that is regulated pursuant to Section 720.134 or ~~which~~ that claims to be excluded from hazardous waste regulation pursuant to 35 Ill. Adm. Code 721.102(a)(2)(B) or 721.104(a)(23), (a)(24), or (a)(25) because that person is engaged in reclamation. Any such person must be able to demonstrate that the recycling in which it is engaged is legitimate recycling. 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 the factors set forth in subsections (b) and (c) of this Section.

b) Factors fundamental to a determination of legitimate recycling. 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, and the recycling process must produce a valuable product or intermediate.

1) The hazardous secondary material provides a useful contribution to the recycling process or to a product or intermediate if any of the following is true of its reclamation:

- A) It contributes valuable ingredients to a product or intermediate;
- B) It replaces a catalyst or carrier in the recycling process;
- C) It is the source of a valuable constituent recovered in the recycling process;
- D) It is recovered or regenerated by the recycling process; or
- E) It is used as an effective substitute for a commercial product.

2) The product or intermediate produced is valuable if either of the following describes it:

- A) It is sold to a third party; or
- B) It 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.

c) Other factors for consideration in a determination of legitimate recycling. A determination whether a specific recycling activity constitutes legitimate recycling must consider the factors of ~~subsections~~ subsection (c)(1)

~~and (e)(2)~~ of this Section, in the way described in subsection (c) (~~32~~) of this Section.

1) The demonstration must show whether: ~~both~~

A) ~~Both~~ the generator and the recycler manage the hazardous secondary material as a valuable commodity. Where there is an analogous raw material, the demonstration must show whether the generator and the recycler manage the hazardous secondary material, at a minimum, in a manner consistent with the management of the raw material. Where there is no analogous raw material, the demonstration must show whether the hazardous secondary material is contained. A hazardous secondary material that is released to the environment and ~~which that~~ is not immediately recovered is discarded material, which is solid waste; and

~~2B)~~ The demonstration must show whether each of the following is true of the product of the recycling process:

Ai) The product does not contain significant concentrations of any hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 that are not found in analogous products;

Bii) The product does not contain concentrations of any hazardous constituents listed in Appendix H to 35 Ill. Adm. Code 721 at levels that are significantly elevated above those found in analogous products; and

Ciii) The product does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit.

~~32)~~ Determination whether a specific instance of reclamation is legitimate recycling. A determination that a specific instance of reclamation of a hazardous secondary material is legitimate recycling~~r~~ requires evaluation of all of the factors set forth in ~~subsections~~subsection (c) (1) ~~and (e)(2)~~ of this Section, and the determination must consider legitimacy as a whole.

A) If, after careful evaluation, the determination is that the conditions of one or both of the factors set forth in ~~subsections~~subsection (c) (1) ~~and (e)(2)~~ of this Section are not fulfilled, this fact militates in favor of a determination that the reclamation of the hazardous secondary material is not legitimate recycling. However, the non-fulfillment of the factors set forth in ~~subsections~~subsection (c) (1) ~~and (e)(2)~~ of this Section does not require a determination that the reclamation is not legitimate recycling.

B) In evaluating the extent to which the reclamation fulfills the factors set forth in ~~subsections~~subsection (c) (1) ~~and (e)(2)~~ of this Section, and in determining whether a specific reclamation process that does not meet one or both of these factors is still legitimate recycling, the determination can consider the protectiveness of the storage methods, exposure of persons and the environment to toxics in the product, the bioavailability of the toxics in the product, and other relevant considerations that bear on whether the recycling is legitimate.

BOARD NOTE: USEPA stated that the four legitimacy factors of this Section are substantially the same as its pre-existing "legitimacy policy," as embodied in an internal USEPA memorandum. That memorandum elaborates "other relevant factors" as the economics of the recycling process (i.e., whether most of the revenue derives from sale of the product or from fees charged generators for managing their wastes) and whether the toxic constituents are necessary or of

use to the product or are "just 'along for the ride.'" Memorandum from Sylvia K. Lowrance, Director, USEPA, Office of ~~resource~~Resource Conservation and Recovery, to Hazardous Waste Management Division Directors, USEPA Regions 1 through 10, attachment at p. 2; see 73 Fed. Reg. 64668, 709-10 (Oct. 31, 2008).

BOARD NOTE: USEPA uses "legitimate recycling" interchangeably with "legitimately recycled," "recycling is legitimate," and "recycling to be considered legitimate" in corresponding 40 ~~C.F.R.~~CFR 260.43, as added at 73 Fed. Reg. 64668 (Oct. 30, 2008). The Board has standardized the usage "legitimate recycling" in this Section. USEPA refers to "reclamation of the material that is legitimate" in corresponding 40 ~~C.F.R.~~CFR 261.2(a)(2)(ii) and 261.4(a)(23), (a)(24), and (a)(25) (2009), as determined pursuant to corresponding 40 ~~C.F.R.~~CFR 260.43 (2009). The Illinois provision at 35 Ill. Adm. Code 721.101(c)(7) (and corresponding federal 40 CFR 261.1(c)(7)) ~~state~~states that a material is "recycled" if it is "used, reused, or reclaimed." The Board intends that "legitimate reclamation," in referenced provisions 35 Ill. Adm. Code 721.102(a)(2)(ii) or 721.104(a)(23), (a)(24), or (a)(25), is synonymous with "legitimate recycling," as used in this Section.

(Source: Added at 34 Ill. Reg. _____, effective _____)
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~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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