

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code Citation: 35 Ill. Adm. Code 726
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
726.122	Amend
726.170	Amend
726.180	Amend
726.201	Amend
- 4) Statutory Authority: 415 ILCS 5/7.2, 22.4, and 27.
- 5) A complete description of the subjects and issues involved: The amendments to Part 726 are a single segment of the docket R11-2/R11-16 rulemaking that also affects 35 Ill. Adm. Code 702, 720, 721, 722, 723, 724, 725, and 728, 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 R11-2/R11-16 rulemaking in this *Illinois Register* only in the answer to question 5 in the Notice of Proposed Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinion and order of June 2, 2011, proposing amendments in docket R11-2/R11-16, which opinion and order is available from the address below.

Specifically, the amendments to Part 726 implement segments of the federal technical corrections and clarifications of March 18, 2010. The amendments include a number of non-substantive corrections and clarifications added by the Board.

Tables appear in the Board's opinion and order of June 2, 2011 in docket R11-2/R11-16 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 2, 2011 opinion and order in docket R11-2/R11-16.

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 APA, it is

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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 emergency amendments currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No. The incorporations by reference for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, and 739 appear in 35 Ill. Adm. Code 720.111. Amendments to 35 Ill. Adm. Code 720.111 may affect documents incorporated by reference for the purposes of this Part 726.
- 11) Are there any other proposed rulemakings pending on this Part? No.
- 10) Statement of statewide policy objectives: These proposed amendments do 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 R11-2/R11-16 and be addressed to:

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

Please direct inquiries to the following person and reference docket R11-2/R11-16:

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, IL 60601

Phone: 312/814-6924

E-mail: mccambm@ipcb.state.il.us

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

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small 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 2010 and December 2010

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

EXEMPT

JCAR350726-1109713r01

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

5
6 PART 726
7 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND
8 SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

9
10 SUBPART A: GENERAL

11
12 Section
13 726.102 Electronic Reporting

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15 SUBPART C: RECYCLABLE MATERIALS USED IN A
16 MANNER CONSTITUTING DISPOSAL

17
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19 726.120 Applicability
20 726.121 Standards Applicable to Generators and Transporters of Materials Used in a
21 Manner that Constitutes Disposal
22 726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of Materials
23 that Are To Be Used in a manner that Constitutes Disposal
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25 Constitutes Disposal

26
27 SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

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29 Section
30 726.130 Applicability (Repealed)
31 726.131 Prohibitions (Repealed)
32 726.132 Standards applicable to generators of hazardous waste fuel (Repealed)
33 726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)
34 726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)
35 726.135 Standards applicable to burners of hazardous waste fuel (Repealed)
36 726.136 Conditional exemption for spent materials and by-products exhibiting a
37 characteristic of hazardous waste (Repealed)

38
39 SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

40
41 Section
42 726.140 Applicability (Repealed)
43 726.141 Prohibitions (Repealed)

- 44 726.142 Standards applicable to generators of used oil burned for energy recovery
- 45 (Repealed)
- 46 726.143 Standards applicable to marketers of used oil burned for energy recovery
- 47 (Repealed)
- 48 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

49
50 SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
51 PRECIOUS METAL RECOVERY

52
53 Section
54 726.170

Applicability and Requirements

55
56 SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

57 Section
58 726.180

Applicability and Requirements

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60 SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
61 AND INDUSTRIAL FURNACES

62
63 Section

- 64 726.200 Applicability
- 65 726.201 Management Prior to Burning
- 66 726.202 Permit Standards for Burners
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- 68 726.204 Standards to Control Organic Emissions
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- 72 726.208 Small Quantity On-Site Burner Exemption
- 73 726.209 Low Risk Waste Exemption
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- 84 726.302 Definition of Solid Waste
- 85 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
- 86 726.304 Standards Applicable to Emergency Responses

87	726.305	Standards Applicable to the Storage of Solid Waste Military Munitions
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92	Section	
93	726.310	Definitions
94	726.320	Storage and Treatment Conditional Exemption
95	726.325	Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-
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97	726.330	Conditions to Qualify for and Maintain a Storage and Treatment Conditional
98		Exemption
99	726.335	Treatment Allowed by a Storage and Treatment Conditional Exemption
100	726.340	Loss of a Storage and Treatment Conditional Exemption and Required Action
101	726.345	Reclaiming a Lost Storage and Treatment Conditional Exemption
102	726.350	Recordkeeping for a Storage and Treatment Conditional Exemption
103	726.355	Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
104	726.360	Applicability of Closure Requirements to Storage Units
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107	726.415	Conditions to Qualify for and Maintain a Transportation and Disposal Conditional
108		Exemption
109	726.420	Treatment Standards for Eligible Waste
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117		Action
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119		
120	726. <u>APPENDIX</u>	Appendix A Tier I and Tier II Feed Rate and Emissions Screening Limits for
121		Metals
122	726. <u>APPENDIX</u>	Appendix B Tier I Feed Rate Screening Limits for Total Chlorine
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124		Hydrogen Chloride
125	726. <u>APPENDIX</u>	Appendix D Reference Air Concentrations
126	726. <u>APPENDIX</u>	Appendix E Risk-Specific Doses
127	726. <u>APPENDIX</u>	Appendix F Stack Plume Rise
128	726. <u>APPENDIX</u>	Appendix G Health-Based Limits for Exclusion of Waste-Derived Residues
129	726. <u>APPENDIX</u>	Appendix H Potential PICs for Determination of Exclusion of Waste-Derived

130 Residues
 131 726.~~APPENDIX~~Appendix I Methods Manual for Compliance with BIF Regulations
 132 726.~~APPENDIX~~Appendix J Guideline on Air Quality Models (Repealed)
 133 726.~~APPENDIX~~Appendix K Lead-Bearing Materials that May be Processed in Exempt Lead
 134 Smelters
 135 726.~~APPENDIX~~Appendix L Nickel or Chromium-Bearing Materials that May Be Processed in
 136 Exempt Nickel-Chromium Recovery Furnaces
 137 726.~~APPENDIX~~Appendix M Mercury-Bearing Wastes that May Be Processed in Exempt
 138 Mercury Recovery Units
 139 726.TABLE A Exempt Quantities for Small Quantity Burner Exemption

140
 141 AUTHORITY: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the
 142 Environmental Protection Act [415 ILCS 5/7.2, 22.4 and 27].

143
 144 SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1
 145 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900,
 146 effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13,
 147 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at
 148 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective
 149 June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in
 150 R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg.
 151 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995;
 152 amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-
 153 3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at
 154 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482,
 155 effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June 20, 2000;
 156 amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in
 157 R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg.
 158 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective
 159 February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December
 160 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in
 161 R11-2/R11-16 at 35 Ill. Reg. _____, effective _____.

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 163 SUBPART C: RECYCLABLE MATERIALS USED IN A
 164 MANNER CONSTITUTING DISPOSAL
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166 **Section 726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of**
 167 **Materials that Are To Be Used in a manner that Constitutes Disposal**
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169 An owner or operator of a facility that stores a recyclable material that is to be used in a manner
 170 that constitutes disposal, but ~~that~~which is not the ultimate user of the material, is regulated under
 171 all applicable provisions of Subparts A through L of 35 Ill. Adm. Code 724, ~~and 725, and 727;~~
 172 ~~and~~ 35 Ill. Adm. Code 702, 703, and 705; and the notification requirement under ~~section~~Section

173 3010 of the Resource Conservation and Recovery Act.

174

175 (Source: Amended at 35 Ill. Reg. _____, effective _____)

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177 SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

178 PRECIOUS METAL RECOVERY

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180 **Section 726.170 Applicability and Requirements**

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182 a) The regulations of this Subpart F apply to recyclable materials that are reclaimed
183 to recover economically significant amounts of gold, silver, platinum, palladium,
184 iridium, osmium, rhodium, ruthenium, or any combination of these metals.

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186 b) A person that generates, transports, or stores recyclable materials that are
187 regulated under this Subpart F is subject to the following requirements:

188

189 1) Notification requirements under Section 3010 of the Resource
190 Conservation and Recovery Act;

191

192 2) Subpart B of 35 Ill. Adm. Code 722 (for a generator), 35 Ill. Adm. Code
193 723.120 and 723.121 (for a transporter), and 35 Ill. Adm. Code 725.171
194 and 725.172 (for a person that stores); and

195

196 3) For precious metals exported to or imported from designated OECD
197 member countries for recovery, Subpart H of 35 Ill. Adm. Code 722 and
198 725.112(a)(2). For precious metals exported to or imported from non-
199 OECD countries for recovery, Subparts E and F of 35 Ill. Adm. Code 722.

200

201 c) A person that stores recycled materials that are regulated under this Subpart F
202 must keep the following records to document that it is not accumulating these
203 materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c));

204

205 1) Records showing the volume of these materials stored at the beginning of
206 the calendar year;

207

208 2) The amount of these materials generated or received during the calendar
209 year; and

210

211 3) The amount of materials remaining at the end of the calendar year.

212

213 d) Recyclable materials that are regulated under this Subpart F that are accumulated
214 speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all
215 applicable provisions of 35 Ill. Adm. Code 702, 703, and 722 through ~~727~~728.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and Requirements

- a) Extent of exemption for spent lead-acid batteries from hazardous waste management requirements. If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous waste management requirements. Subsections (a)(1) through (a)(5) of this Section indicate which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 733.
 - 1) If the spent lead-acid batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111.
 - 2) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.
 - 3) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.
 - 4) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries before the

- 259 owner or operator reclaims them, the owner or operator must comply with
 260 the requirements of Section 726.180(b) and other requirements described
 261 in that subsection, and the owner or operator is subject to the requirements
 262 of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill.
 263 Adm. Code 728.
- 264
- 265 5) If the spent lead-acid batteries will be reclaimed other than through
 266 regeneration, and the owner or operator does not store the batteries before
 267 the owner or operator reclaims them, the owner or operator is exempt from
 268 the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726
 269 (except for 35 Ill. Adm. Code 722.111), and the notification requirements
 270 of section 3010 of RCRA, and the owner or operator is subject to the
 271 requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable
 272 provisions of 35 Ill. Adm. Code 728.
- 273
- 274 6) If the spent lead-acid batteries will be reclaimed through regeneration or
 275 any other means, and the batteries are exported for reclamation in a
 276 foreign country, the owner or operator is exempt from 35 Ill. Adm. Code
 277 702, 703, 723 through 726, and 728, and the notification requirements at
 278 section 3010 of RCRA.
- 279
- 280 A) The owner or operator is also exempt from the requirements of 35
 281 Ill. Adm. Code 722, except for 35 Ill. Adm. Code 722.111, and
 282 except for the applicable requirements set forth in subsections
 283 (a)(6)(B) and (a)(6)(C) of this Section.
- 284
- 285 B) The owner or operator is subject to the requirements of 35 Ill.
 286 Adm. Code 721 and 35 Ill. Adm. Code 722.111.
- 287
- 288 C) When the owner or operator ships spent lead-acid batteries to one
 289 of the OECD countries specified in 35 Ill. Adm. Code
 290 722.158(a)(1), the owner or operator must comply with the
 291 applicable provisions of Subpart H of 35 Ill. Adm. Code 722.
- 292
- 293 D) When the provisions of Subpart H of 35 Ill. Adm. Code 722 do not
 294 apply as described in subsection (a)(6)(C) of this Section, the
 295 owner or operator must comply with the following requirements:
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- 297 i) The owner or operator must comply with the requirements
 298 applicable to a primary exporter in 35 Ill. Adm. Code
 299 722.153, 722.156(a)(1) through (a)(4), (a)(6), and (b) and
 300 722.157;
- 301

302 ii) The owner or operator must export the spent lead-acid
303 batteries only upon consent of the receiving country and
304 only in conformance with the USEPA Acknowledgement
305 of Consent, as required by Subpart E of 35 Ill. Adm. Code
306 722; and

307
308 iii) The owner or operator must provide a copy of the USEPA
309 Acknowledgment of Consent for the shipment to the
310 transporter transporting the shipment for export.

311
312 7) If the spent lead-acid batteries will be reclaimed through regeneration or
313 any other means, the person that transports the batteries in the United
314 States to export them for reclamation in a foreign country (the transporter)
315 is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728,
316 and the notification requirements at section 3010 of RCRA.

317
318 A) When the transporter ships spent lead-acid batteries to one of the
319 OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1), the
320 transporter must comply with the applicable requirements in
321 Subpart H of 35 Ill. Adm. Code 722.

322
323 B) When the provisions of Subpart H of 35 Ill. Adm. Code 722 do not
324 apply as described in subsection (a)(7)(A) of this Section, the
325 transporter must comply with the following requirements:

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327 i) The transporter must not accept a shipment if the
328 transporter knows that the shipment does not conform to
329 the USEPA Acknowledgment of Consent;

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331 ii) The transporter must ensure that a copy of the USEPA
332 Acknowledgment of Consent accompanies the shipment;
333 and

334
335 iii) The transporter must ensure that the shipment is delivered
336 to the facility designated by the person initiating the
337 shipment.

338
339 b) Exemption for spent lead-acid batteries stored before reclamation other than
340 through regeneration. The requirements of this subsection (b) apply to an owner
341 or operator that stores spent lead-acid batteries before it reclaims them, where the
342 owner or operator does not reclaim them through regeneration. The requirements
343 are slightly different depending on the owner's or operator's RCRA permit status.
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- 1) For an interim status facility, the owner or operator must comply with the following requirements:
 - A) The notification requirements under Section 3010 of the Resource Conservation and Recovery Act (RCRA);
 - B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 725;
 - C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.113 (waste analysis);
 - D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 725;
 - E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies);
 - F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 725; ~~and~~
 - G) All applicable provisions in 35 Ill. Adm. Code 702 and 703; and;
 - H) All applicable provisions in 35 Ill. Adm. Code 727.
 - 2) For a permitted facility, the following requirements:
 - A) The notification requirements under section 3010 of RCRA;
 - B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 724;
 - C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.113 (waste analysis);
 - D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 724;
 - E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies);
 - F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 724; ~~and~~

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G) All applicable provisions in 35 Ill. Adm. Code 702 and 703; and-

H) All applicable provisions in 35 Ill. Adm. Code 727.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.201 Management Prior to Burning

- a) Generators. A generator of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 722.
- b) Transporters. A transporter of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 723.
- c) Storage and treatment facilities.
 - 1) An owner or operator of a facility that stores or treats hazardous waste that is burned in a BIF is subject to the applicable provisions of 35 Ill. Adm. Code 702, 703, 724, ~~and 725~~, and 727, except as provided by subsection (c)(2) of this Section. These standards apply to storage and treatment by the burner, as well as to any storage or treatment facility operated by an intermediary (a processor, blender, distributor, etc.) between the generator and the burner.
 - 2) An owner or operator of a facility that burns, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that it generates is exempt from regulation under 35 Ill. Adm. Code 702, 703, 724, ~~and 725~~, and 727 that are applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation, as prescribed in subsection (c)(1) of this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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

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PART 726
STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES OF
HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART A: GENERAL

Section
726.102 Electronic Reporting

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section
726.120 Applicability
726.121 Standards Applicable to Generators and Transporters of Materials
Used in a Manner that Constitutes Disposal
726.122 Standards Applicable to Storers, Who Are Not the Ultimate Users, of
Materials that Are To Be Used in a manner that Constitutes Disposal
726.123 Standards Applicable to Users of Materials that Are Used in a Manner
that Constitutes Disposal

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9853, effective June

20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6667, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 4200, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12916, effective July 17, 2003; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3700, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1096, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12741, effective July 14, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. _____, effective _____.

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section 726.122 Standards Applicable to Storers, Who Are Not the Ultimate
Users, of Materials that Are To Be Used in a manner that Constitutes Disposal

An owner or operator of a facility that stores a recyclable material that is to be used in a manner that constitutes disposal, but ~~which~~that is not the ultimate user of the material, is regulated under all applicable provisions of Subparts A through L of 35 Ill. Adm. Code 724, ~~and~~ 725, and ~~727,~~ and 727; 35 Ill. Adm. Code 702, 703, and ~~705,~~ 705; and the notification requirement under ~~Section~~section 3010 of the Resource Conservation and Recovery Act.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section 726.170 Applicability and Requirements

a) The regulations of this Subpart F apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals.

b) A person that generates, transports, or stores recyclable materials that are regulated under this Subpart F is subject to the following requirements:

1) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act;

2) Subpart B of 35 Ill. Adm. Code 722 (for a generator), 35 Ill. Adm. Code 723.120 and 723.121 (for a transporter), and 35 Ill. Adm. Code 725.171 and 725.172 (for a person that stores); and

3) For precious metals exported to or imported from designated OECD member countries for recovery, Subpart H of 35 Ill. Adm. Code 722 and 725.112(a)(2). For precious metals exported to or imported from non-OECD countries for recovery, Subparts E and F of 35 Ill. Adm. Code 722.

c) A person that stores recycled materials that are regulated under this Subpart F must keep the following records to document that it is not accumulating these materials speculatively (as defined in 35 Ill. Adm. Code 721.101(c));

1) Records showing the volume of these materials stored at the beginning of the calendar year;

- 2) The amount of these materials generated or received during the calendar year; and
- 3) The amount of materials remaining at the end of the calendar year.
- d) Recyclable materials that are regulated under this Subpart F that are accumulated speculatively (as defined in 35 Ill. Adm. Code 721.101(c)) are subject to all applicable provisions of 35 Ill. Adm. Code 702, 703, and 722 through ~~728~~-727.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Section 726.180 Applicability and Requirements

a) Extent of exemption for spent lead-acid batteries from hazardous waste management requirements. If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous waste management requirements. Subsections (a)(1) through (a)(5) of this Section indicate which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 733.

1) If the spent lead-acid batteries will be reclaimed through regeneration (such as by electrolyte replacement), the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, 722 through 726 (except for 35 Ill. Adm. Code 722.111), and 728 and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111.

2) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator generates, collects, or transports the batteries, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

3) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries, but the owner or operator is not the reclaimer, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA, but the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

4) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator stores the batteries before the owner or operator reclaims them, the owner or operator must comply with the requirements of Section 726.180(b) and other requirements described in that subsection, and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

5) If the spent lead-acid batteries will be reclaimed other than through regeneration, and the owner or operator does not store the batteries before the

owner or operator reclaims them, the owner or operator is exempt from the requirements of 35 Ill. Adm. Code 702, 703, and 722 through 726 (except for 35 Ill. Adm. Code 722.111), and the notification requirements of section 3010 of RCRA, and the owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and 722.111 and applicable provisions of 35 Ill. Adm. Code 728.

6) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, and the batteries are exported ~~the batteries~~ for reclamation in a foreign country, the owner or operator is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728, and the notification requirements at section 3010 of RCRA.

A) The owner or operator is also exempt from the requirements of 35 Ill. Adm. Code 722, except for 35 Ill. Adm. Code 722.111, and except for the applicable requirements set forth in subsections (a)(6)(B) and (a)(6)(C) of this Section.

B) The owner or operator is subject to the requirements of 35 Ill. Adm. Code 721 and Section 35 Ill. Adm. Code 722.111.

C) ~~Where~~When the owner or operator ships spent lead-acid batteries to one of the OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1), the owner or operator must comply with the applicable provisions of Subpart H of 35 Ill. Adm. Code 722.

D) ~~Where~~When the provisions of Subpart H of 35 Ill. Adm. Code 722 do not apply as described in subsection (a)(6)(C) of this Section, the owner or operator must comply with the following requirements:

i) The owner or operator must comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6), and (b) and 722.157;

ii) The owner or operator must export the spent lead-acid batteries only upon consent of the receiving country and only in conformance with the USEPA Acknowledgement of Consent, as required by Subpart E of 35 Ill. Adm. Code 722; and

iii) The owner or operator must provide a copy of the USEPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

7) If the spent lead-acid batteries will be reclaimed through regeneration or any other means, the person that transports the batteries in the United States to export them for reclamation in a foreign country (the transporter) is exempt from 35 Ill. Adm. Code 702, 703, 723 through 726, and 728, and the notification requirements at section 3010 of RCRA.

A) ~~Where~~When the transporter ships spent lead-acid batteries to one of the OECD countries specified in 35 Ill. Adm. Code 722.158(a)(1), the transporter must comply with the applicable requirements in Subpart H of 35 Ill. Adm. Code ~~722, subpart H-722.~~

B) ~~Where~~When the provisions of Subpart H of 35 Ill. Adm. Code 722 do not apply as described in subsection (a)(7)(A) of this Section, the transporter must comply with the following requirements:

i) The transporter must not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent;

ii) The transporter must ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment; and

iii) The transporter must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.

b) Exemption for spent lead-acid batteries stored before reclamation other than through regeneration. The requirements of this subsection (b) apply to an owner or operator that stores spent lead-acid batteries before it reclaims them, where the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

1) For an interim status facility, the owner or operator must comply with the following requirements:

A) The notification requirements under Section 3010 of the Resource Conservation and Recovery Act (RCRA);

B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 725;

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.113 (waste analysis);

D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 725;

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 725, except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 725; ~~and~~

G) All applicable provisions in 35 Ill. Adm. Code 702 and ~~703~~; 703; and

H) All applicable provisions in 35 Ill. Adm. Code 727.

2) For a permitted facility, the following requirements:

A) The notification requirements under section 3010 of RCRA;

B) All applicable provisions in Subpart A of 35 Ill. Adm. Code 724;

C) All applicable provisions in Subpart B of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.113 (waste analysis);

D) All applicable provisions in Subparts C and D of 35 Ill. Adm. Code 724;

E) All applicable provisions in Subpart E of 35 Ill. Adm. Code 724, except 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies);

F) All applicable provisions in Subparts F through L of 35 Ill. Adm. Code 724; ~~and~~

G) All applicable provisions in 35 Ill. Adm. Code 702 and ~~703~~.703; and

H) All applicable provisions in 35 Ill. Adm. Code 727.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.201 Management Prior to Burning

a) Generators. A generator of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 722.

b) Transporters. A transporter of hazardous waste that is burned in a BIF is subject to 35 Ill. Adm. Code 723.

c) Storage and treatment facilities.

1) An owner or operator of a facility that stores or treats hazardous waste that is burned in a BIF is subject to the applicable provisions of 35 Ill. Adm. Code 702, 703, 724, ~~and~~-725, and 727, except as provided by subsection (c)(2) of this Section. These standards apply to storage and treatment by the burner, as well as to any storage or treatment facility operated by an intermediary (a processor, blender, distributor, etc.) between the generator and the burner.

2) An owner or operator of a facility that burns, in an on-site BIF exempt from regulation under the small quantity burner provisions of Section 726.208, hazardous waste that it generates is exempt from regulation under 35 Ill. Adm. Code 702, 703, 724, ~~and~~-725, and 727 that are applicable to storage units for those storage units that store mixtures of hazardous waste and the primary fuel to the BIF in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation, as prescribed in subsection (c)(1) of this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

JCAR350726-1109713r01

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

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