

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED 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

<u>Section numbers:</u>	<u>Adopted 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) Effective date of amendments: OCT 14 2011

6) Does this rulemaking contain an automatic repeal date?: No.

7) Do these amendments 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.

8) Statement of availability:

The adopted amendments, a copy of the Board's opinion and order adopted August 18, 2011 in docket R11-2/R11-16 (consolidated), and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in the Illinois Register:

June 24, 2011, 35 Ill. Reg. 9713

10) Has JCAR issued a statement of objections to these rules? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] 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

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not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between the proposal and the final version:

A table that appears in the Board's opinion and order of August 18, 2011 in docket R11-2/R11-16 (consolidated) summarizes the differences between the amendments adopted in that order and those proposed by the Board in an opinion and order dated June 2, 2011, in docket R11-2/R11-16 (consolidated). Many of the differences are explained in greater detail in the Board's opinion and order adopting the amendments.

The differences are limited to minor corrections and stylistic revisions. The changes are intended to have no substantive effect. The intent is to add clarity to the rules without deviation from the substance of the federal amendments on which this proceeding is based.

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] 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 not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the June 24, 2011 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as detailed in the opinion and order of August 18, 2011 in docket R11-2/R11-16 (consolidated), as indicated in item 11 above. See the August 18, 2011 opinion and order in docket R11-2/R11-16 (consolidated) for additional details on the JCAR suggestions and the Board actions with regard to each. One table in that opinion itemizes the changes made in response to various suggestions. Another table indicates JCAR suggestions not incorporated into the text, with a brief explanation for each.

13) Will these amendments replace emergency amendments currently in effect? No.

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14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

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 Adopted Amendments for 35 Ill. Adm. Code 702. A comprehensive description is contained in the Board's opinions and orders of June 2, 2011 and August 18, 2011 in docket R11-2/R11-16, which opinions and orders are 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 August 18, 2011 in docket R11-2/R11-16 (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 August 18, 2011 opinion and order in docket R11-2/R11-16 (consolidated).

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

16) Information and questions regarding these adopted amendments shall be adopted to:

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

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board

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100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of August 18, 2011 at 312-814-3620.
Alternatively, you may obtain a copy of the Board's opinion and order from the Internet
at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

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

PART 726

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

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

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

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

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY

Section
726.140 Applicability (Repealed)

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- 726.141 Prohibitions (Repealed)
- 726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)
- 726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)
- 726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

- Section
- 726.170 Applicability and Requirements

SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

- Section
- 726.180 Applicability and Requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

- Section
- 726.200 Applicability
- 726.201 Management Prior to Burning
- 726.202 Permit Standards for Burners
- 726.203 Interim Status Standards for Burners
- 726.204 Standards to Control Organic Emissions
- 726.205 Standards to Control PM
- 726.206 Standards to Control Metals Emissions
- 726.207 Standards to Control HCl and Chlorine Gas Emissions
- 726.208 Small Quantity On-Site Burner Exemption
- 726.209 Low Risk Waste Exemption
- 726.210 Waiver of DRE Trial Burn for Boilers
- 726.211 Standards for Direct Transfer
- 726.212 Regulation of Residues
- 726.219 Extensions of Time

SUBPART M: MILITARY MUNITIONS

- Section
- 726.300 Applicability
- 726.301 Definitions
- 726.302 Definition of Solid Waste

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- 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions
- 726.304 Standards Applicable to Emergency Responses
- 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions
- 726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

SUBPART N: CONDITIONAL EXEMPTION FOR LOW-LEVEL MIXED
WASTE STORAGE, TREATMENT, TRANSPORTATION AND DISPOSAL

Section

- 726.310 Definitions
- 726.320 Storage and Treatment Conditional Exemption
- 726.325 Wastes Eligible for a Storage and Treatment Conditional Exemption for Low-Level Mixed Waste
- 726.330 Conditions to Qualify for and Maintain a Storage and Treatment Conditional Exemption
- 726.335 Treatment Allowed by a Storage and Treatment Conditional Exemption
- 726.340 Loss of a Storage and Treatment Conditional Exemption and Required Action
- 726.345 Reclaiming a Lost Storage and Treatment Conditional Exemption
- 726.350 Recordkeeping for a Storage and Treatment Conditional Exemption
- 726.355 Waste No Longer Eligible for a Storage and Treatment Conditional Exemption
- 726.360 Applicability of Closure Requirements to Storage Units
- 726.405 Transportation and Disposal Conditional Exemption
- 726.410 Wastes Eligible for a Transportation and Disposal Conditional Exemption
- 726.415 Conditions to Qualify for and Maintain a Transportation and Disposal Conditional Exemption
- 726.420 Treatment Standards for Eligible Waste
- 726.425 Applicability of the Manifest and Transportation Condition
- 726.430 Effectiveness of a Transportation and Disposal Exemption
- 726.435 Disposal of Exempted Waste
- 726.440 Containers Used for Disposal of Exempted Waste
- 726.445 Notification
- 726.450 Recordkeeping for a Transportation and Disposal Conditional Exemption
- 726.455 Loss of a Transportation and Disposal Conditional Exemption and Required Action
- 726.460 Reclaiming a Lost Transportation and Disposal Conditional Exemption
- ~~726.Appendix~~ 726.APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals
- ~~726.Appendix~~ 726.APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine

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726.Appendix <u>726.APPENDIX C</u>	Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride
726.Appendix <u>726.APPENDIX D</u>	Reference Air Concentrations
726.Appendix <u>726.APPENDIX E</u>	Risk-Specific Doses
726.Appendix <u>726.APPENDIX F</u>	Stack Plume Rise
726.Appendix <u>726.APPENDIX G</u>	Health-Based Limits for Exclusion of Waste-Derived Residues
726.Appendix <u>726.APPENDIX H</u>	Potential PICs for Determination of Exclusion of Waste-Derived Residues
726.Appendix <u>726.APPENDIX I</u>	Methods Manual for Compliance with BIF Regulations
726.Appendix <u>726.APPENDIX J</u>	Guideline on Air Quality Models (Repealed)
726.Appendix <u>726.APPENDIX K</u>	Lead-Bearing Materials that May be Processed in Exempt Lead Smelters
726.Appendix <u>726.APPENDIX L</u>	Nickel or Chromium-Bearing Materials that May Be Processed in Exempt Nickel-Chromium Recovery Furnaces
726.Appendix <u>726.APPENDIX M</u>	Mercury-Bearing Wastes that May Be Processed in Exempt Mercury Recovery Units
726.Table <u>726.TABLE A</u>	Exempt Quantities for Small Quantity Burner Exemption

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

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 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

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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 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 35 Ill. Adm. Code 702, 703, and 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

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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

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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.

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- 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 35 Ill. Adm. Code 722.111.
- C) Where 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 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 Acknowledgment 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.

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- 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 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.
- B) Where 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);

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

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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 _____)