

ILLINOIS POLLUTION CONTROL BOARD

June 17, 1999

IN THE MATTER OF: )  
)  
RCRA UPDATE, USEPA REGULATIONS ) R99-15  
(July 1, 1998, through December 31, 1998) ) (Identical-in-Substance  
) Rulemaking - Land)

Adopted Rule. Final Order.

ORDER OF THE BOARD (by E.Z. Kezelis):

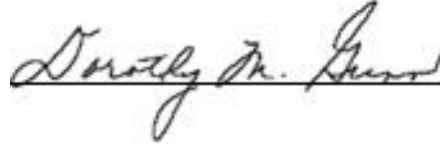
Pursuant to Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (1996)), the Board adopts amendments to the Illinois regulations that are “identical-in-substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA) to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C), 42 U.S.C. §§ 6921 *et seq.* (1996). The nominal timeframe of this consolidated docket includes federal RCRA Subtitle C amendments adopted by USEPA in the period July 1, 1998, through December 31, 1998.

Section 22.4(a) provides for quick adoption of regulations that are “identical-in-substance” to federal regulations adopted by USEPA to implement Sections 3001 through 3005 of RCRA, 42 U.S.C. §§ 6921-6925 (1996)) and that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 & 5-40 (1996)) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 268, 270 through 271, 279, and, more recently, 273.

This order is supported by an opinion adopted on the same day. The Board will wait the 30 days for USEPA review that are provided in the state primacy agreement, then file the Amendments with the Secretary of State and submit Notices of Adopted Amendments for publication in the *Illinois Register*. The complete text of the adopted rules follows.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 17th day of June 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER I: POLLUTION CONTROL BOARD  
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**AUTHORITY:** Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

**SOURCE:** Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as to an

aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

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

“Administrator” means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

“Agency” means the Illinois Environmental Protection Agency.

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

“Appropriate act and regulations” means the Resource Conservation and Recovery Act (RCRA);, the Safe Drinking Water Act (SDWA);, or the “Environmental Protection Act”, whichever is applicable;, and applicable regulations promulgated under those statutes.

“Approved program or approved ~~State~~ state” means a ~~State~~ state or interstate program that has been approved or authorized by USEPA under 40 CFR 271 (1996) (RCRA) or Section 1422 of the SDWA (UIC).

“Aquifer” (RCRA and UIC) means a geological “formation”, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

“Area of review” (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of that is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

“Board” means the Illinois Pollution Control Board.

“Closure” (RCRA) means the act of securing a “Hazardous Waste Management Facility” pursuant to the requirements of 35 Ill. Adm. Code 724.

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

“Contaminant” (UIC) means any physical, chemical, biological, or radiological

substance or matter in water.

“Corrective action management unit” or “CAMU” means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

“CWA” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 U.S.C. USC 1251 et seq. (1996).

“Date of approval by USEPA of the Illinois UIC program” means March 3, 1984.

“Director” means the Director of the Illinois Environmental Protection Agency or the Director’s designee.

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

“Disposal facility” (RCRA) means a facility or part of a facility at which “hazardous waste” is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

“Draft permit” means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency’s tentative decision to issue, deny, modify, terminate, or reissue a “permit”. A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of “draft permit”. A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a “draft permit”. A “proposed permit” is not a “draft permit”.

“Drilling mud” (UIC) means a heavy suspension used in drilling an “injection well”, introduced down the drill pipe and through the drill bit.

“Elementary neutralization unit” means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

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

“Emergency permit” means a RCRA or UIC “permit” issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

“Environmental Protection Agency” (“EPA” or “USEPA”) means the United States Environmental Protection Agency.

“Exempted aquifer” (UIC) means an “aquifer” or its portion that meets the criteria in the definition of “underground source of drinking water” but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

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

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

Either:

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

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

“Existing injection well” (UIC) means an “injection well” other than a “new injection well”.

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

“Facility or activity” means any “HWM facility”, UIC “injection well”, or any other facility or activity (including land or appurtenances thereto) that is subject

to regulations under the Illinois RCRA or UIC program.

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

“Federal, state, and local approvals or permits necessary to begin physical construction” means permits and approvals required under ~~Federal~~ federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102.)

“Final authorization” (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management Program that has met the requirements of ~~Section~~ Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996). USEPA granted initial final authorization on January 31, 1986.

“Fluid” (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

“Formation” (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth’s surface or traceable in the subsurface.

“Formation fluid” (UIC) means “fluid” present in a “formation” under natural conditions, as opposed to introduced fluids, such as “drilling mud”.

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

“Generator” (RCRA) means any person, by site location, whose act or process produces “hazardous waste” identified or listed in 35 Ill. Adm. Code 721.

“Groundwater” (RCRA and UIC) means a water below the land surface in a zone of saturation.

“Hazardous waste” (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

“Hazardous waste management facility” (“HWM facility”) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of “hazardous waste”. A facility may consist of several “treatment”, “storage”, or “disposal” operational units (for example, one or more landfills, surface impoundments, or combinations of them).



“HWM facility” (RCRA) means “Hazardous Waste Management facility”.

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

“Injection zone” (UIC) means a geological “formation”, group of formations, or part of a formation receiving fluids through a “well”.

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

“Interim authorization” (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of ~~Section~~ Section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996). This happened on May 17, 1982.

“Interstate agency” means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the “appropriate Act and regulations”.

“Major facility” means any RCRA or UIC “facility or activity” classified as such by the Regional Administrator or the Agency.

“Manifest” (RCRA and UIC) means the shipping document originated and signed by the “generator” that contains the information required by 35 Ill. Adm. Code 722.Subpart B.

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

“New HWM facility” (RCRA) means a “Hazardous Waste Management facility” that began operation or for which construction commenced after November 19, 1980.

“New injection well” (UIC) means a “well” that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois applicable to the well is approved.

BOARD NOTE: See 40 CFR 147.700 (1998) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

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

“On-site” (RCRA) means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the RCRA or UIC programs.

“Permit” means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

“Permit” includes RCRA “permit by rule” (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC “Emergency Permit” (35 Ill. Adm. Code 703.221 and 704.163). “Permit” does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (35 Ill. Adm. Code 704.Subpart C), or any permit that has not yet been the subject of final Agency action, such as a “Draft Permit” or a “Proposed Permit”.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

“Physical construction” (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an “HWM facility” to accept “hazardous waste”.

“Plugging” (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

“POTW” means “publicly owned treatment works”.

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

“Publicly owned treatment works” (“POTW”) is as defined in 35 Ill. Adm. Code 310.

“Radioactive waste” (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

“RCRA” means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 ~~U.S.C.~~ USC 6901 et seq. (1996)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, “RCRA” refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

“RCRA permit” means a permit required under Section 21(f) of the Environmental Protection Act.

“Regional Administrator” means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator’s designee.

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

“Schedule of compliance” means a schedule of remedial measures included in a “permit”, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the “appropriate Act and regulations”.

“SDWA” means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 ~~U.S.C.~~ USC 300f et seq. (1996)).

“Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

“SIC code” means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

“State” means the State of Illinois.

“State Director” means the Director of the Illinois Environmental Protection Agency.

“State/USEPA agreement” means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

“Storage” (RCRA) means the holding of “hazardous waste” for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

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

“Total dissolved solids” (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

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

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

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

“Transporter” (RCRA) means a person engaged in the off-site transportation of “hazardous waste” by air, rail, highway, or water.

“Treatment” (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any “hazardous waste” so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

“UIC” means the Underground Injection Control program.

“Underground injection” (UIC) means a “well injection”.

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

Which:

~~Supplies any public water system; or~~

It supplies any public water system; or

~~Contains a sufficient quantity of groundwater to supply a public water system; and~~

~~Currently supplies drinking water for human consumption; or~~

~~Contains less than 10,000 mg/1 total dissolved solids; and~~

~~That is not an “exempted aquifer”.~~

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

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/1 total dissolved solids.

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

“Wastewater treatment unit” means a device which:

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

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

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

“Well” (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

“Well injection” (UIC) 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.

BOARD NOTE: Derived from 40 CFR 144.3 (19961998) and 270.2 (19961998), as amended at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: PERMIT APPLICATIONS

### Section 702.126 Signatories to Permit Applications and Reports

- a) Applications. All applications shall be signed as follows:
- 1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means; either of the following persons:
    - A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person ~~who~~ that performs similar policy or decision making functions for the corporation, or
    - B) ~~the~~ The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; ;

BOARD NOTE: The Board does not require specific assignments or delegations of authority to responsible corporate officers identified in subsection (a)(1)(A) ~~above~~ of this Section. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under subsection (a)(1)(B) ~~above~~ of this Section rather than to specific individuals.
  - 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - 3) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of

this Section, a principal executive officer of a federal agency includes:

- A) The chief executive officer of the agency, or
  - B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).
- b) Reports. All reports required by permits or other information requested by the Agency shall be signed by a person described in subsection (a) ~~above~~ of this Section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 1) The authorization is made in writing by a person described in subsection (a) ~~above~~ of this Section;
  - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
  - 3) The written authorization is submitted to the Agency.
- c) Changes to authorization. If an authorization under subsection (b) ~~above~~ of this Section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d) Certification.
- 1) Any person signing a document under ~~subsections~~ subsection (a) or (b) ~~above~~ of this Section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons ~~who~~ that manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware

that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Derived from 40 CFR 144.32 (~~1993~~1998) and 270.11 (~~1992~~1998), as amended at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 703  
 RCRA PERMIT PROGRAM

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### 703.Appendix A Classification of Permit Modifications

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

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### SUBPART B: PROHIBITIONS

#### Section 703.121 RCRA Permits

- a) No person shall conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation:

- 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
  - 2) In violation of any condition imposed by a RCRA permit;
- b) Owners and operators of HWM units shall have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units and waste pile units that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725.215) after January 26, 1983, shall have post-closure care permits, unless they demonstrate closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtain enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.
- c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure care permit under this Section.

BOARD NOTE: Derived from 40 CFR 270.1(c) (~~1988~~1998), as amended at ~~54-63~~ Fed. Reg. ~~9607, March 7, 1989~~ 56735 (Oct. 22, 1998).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

##### Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when:

- a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart H of this Part is made; or
- b) The owner or operator fails to furnish a requested Part B application on time, or

to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.

- c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:
  - 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
  - 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
  
- d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility:
  - 1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
  - 2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
  
- e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2), or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements— (35 Ill. Adm. Code 725.190 et seq. and 725.240 et seq.).
  
- f) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, ~~interim status terminates~~ on November 8,

1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.

- g) For owners and operators of any facility (other than a land disposal or an incinerator facility) which achieved interim status prior to November 8, 1984, ~~interim status terminates on~~ November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

~~(Board Note:—~~BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (19901998) and 270.73 (19901998), as amended at 56-63 Fed. Reg. 7206, February 21, 199165941 (Nov. 30, 1998).)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

### Section 703.161 Enforceable Document for Post-Closure Care

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

BOARD NOTE: Derived from 40 CFR 270.1(c)(7), as added at 63 Fed. Reg. 56735 (Oct. 22, 1998).

- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) shall be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act.

BOARD NOTE: Derived from 40 CFR 271.16(e), as added at 63 Fed. Reg.

56735 (Oct. 22, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART D: APPLICATIONS

##### Section 703.182 Contents of Part B

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B shall be submitted to the Agency and signed in accordance with requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and specifications and engineering studies, shall be certified by a registered professional engineer. For post-closure care permits, only the information specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

- a) General information (Section 703.183);
- b) Facility location information (Section 703.184);
- c) Groundwater protection information (Section 703.185);
- d) Exposure information (Section 703.186);
- e) Specific information (Section 703.200 et seq.).

~~(Board Note: See 40 CFR 270.14(a).)~~

BOARD NOTE: Derived from 40 CFR 270.14(a) (1998), as amended at 63 Fed. Reg. 56734 (Oct. 22, 1998).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 703.183      General Information

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

- a) A general description of the facility;
- b) Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
- c) A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
- d) A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
- e) A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.958, 724.984, 724.985, 724.986, and 724.988;
- f) A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.Subpart C;
- g) A copy of the contingency plan required by 35 Ill. Adm. Code 724.Subpart D;  
  
BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327 ~~and 724.355~~. Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (corresponding with 35 Ill. Adm. Code 724.355), marked "reserved" by USEPA has not yet been adopted.
- h) A description of procedures, structures, or equipment used at the facility to:
  - 1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);
  - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);



- 3) Prevent contamination of water supplies;
  - 4) Mitigate effects of equipment failure and power outages;
  - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
  - 6) Prevent releases to the atmosphere;
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
  - j) Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
  - k) Facility location information, as required by Section 703.184;
  - l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
  - m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
  - n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
  - o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
  - p) Where applicable, the most recent post-closure cost estimate for the facility,

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

- q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to state financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations.
- rs) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
- 1) Map scale and date;
  - 2) 100-year floodplain area;
  - 3) Surface waters including intermittent streams;
  - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
  - 5) A wind rose (i.e., prevailing windspeed and direction);
  - 6) Orientation of the map (north arrow);
  - 7) Legal boundaries of the HWM facility site;

- 8) Access control (e.g., fences, gates, etc.);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);

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

- st) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued; ~~and~~
- tu) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and
- uv) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (~~1996~~1998), ~~as amended at 61 Fed. Reg. 59996 (Nov. 25, 1996).~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 703.214 Post-Closure Care Permits

For post-closure care permits, the owner or operator is required to submit only the information specified in Sections 703.183(a), (d), (e), (f), (k), (m), (n), (p), (r), and (s); 703.184; 703.185; and 703.187, unless the Agency determines that additional information from Section 703.183, 703.202, 703.203, 703.204, 703.206, or 703.207 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in Section 703.161.

BOARD NOTE: Derived from 40 CFR 270.28, as added at 63 Fed. Reg. 56735 (Oct. 22, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: SHORT TERM AND PHASED PERMITS

### Section 703.234 Remedial Action Plans

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.

BOARD NOTE: Derived from 40 CFR 270.68, as added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: REMEDIAL ACTION PLANS

### Section 703.300 Why This Subpart Is Written in a Special Format

USEPA wrote the federal counterpart to this Subpart, 40 CFR 270, Subpart H, in a special format to make it easier to understand the regulatory requirements. The Board has adapted this Subpart H to use essentially the same format. Like all other regulations, this Subpart establishes enforceable legal requirements.

BOARD NOTE: Derived from 40 CFR 270.79, added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 703.301 General Information

#### a) What is a RAP?

- 1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.

- 2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.
- 3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.
- 4) A RAP may be either of the following:
  - A) A stand-alone document that includes only the information and conditions required by this Subpart H; or
  - B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.
- 5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.
- 6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Derived from 40 CFR 270.80, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- b) When does an owner or operator need a RAP?
  - 1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA permit under Section 703.121, an owner or operator shall obtain either of the following:
    - A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part;  
or
    - B) A RAP according to this Subpart H.
  - 2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.

- 3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or operator shall have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 or Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator shall submit the information required under Section 703.302(d). When the owner's or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's or operator's RCRA permit (including the RAP portion) is modified, revoked and reissued, or terminated, or when it expires, the permit will be modified, according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283; it will be revoked and reissued, according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273; or it will be terminated, according to the applicable requirements in 35 Ill. Adm. Code 702.186, or the permit will expire, according to the applicable requirements in 35 Ill. Adm. Code 702.125 and 702.161.

BOARD NOTE: Derived from 40 CFR 270.85, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- c) Does a RAP grant an owner or operator any rights or relieve it of any obligations? The provisions of 35 Ill. Adm. Code 702.181 apply to RAPs.

BOARD NOTE: Derived from 40 CFR 270.90, added at 63 Fed. Reg. 65942 (Nov. 30, 1998). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, under which compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than a failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 703.302 Applying for a RAP

- a) Applying for a RAP. To apply for a RAP, an owner or operator shall complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.95, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- b) Who must obtain a RAP? When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner shall also sign the RAP application.

BOARD NOTE: Derived from 40 CFR 270.100, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- c) Who must sign the application and any required reports for a RAP? Both the owner and the operator shall sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator shall also make the certification required under 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification under 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies under 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: Derived from 40 CFR 270.105, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- d) What must an owner or operator include in its application for a RAP? An owner or operator shall include the following information in its application for a RAP:
- 1) The name, address, and USEPA identification number of the remediation waste management site;
  - 2) The name, address, and telephone number of the owner and operator;
  - 3) The latitude and longitude of the site;
  - 4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
  - 5) A scaled drawing of the remediation waste management site showing the following:
    - A) The remediation waste management site boundaries;
    - B) Any significant physical structures; and
    - C) The boundary of all areas on-site where remediation waste is to be treated, stored, or disposed of;
  - 6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This

must include information on the following:

- A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated or otherwise managed;
  - B) An estimate of the quantity of these wastes; and
  - C) A description of the processes an owner or operator will use to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters an owner or operator will use to treat hazardous remediation wastes before disposing of them according to the land disposal restrictions of 35 Ill. Adm. Code 728, as applicable;
- 7) Enough information to demonstrate that operations that follow the provisions in the owner's or operator's RAP application will ensure compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;
  - 8) Such information as may be necessary to enable the Agency to carry out its duties under other federal laws as is required for traditional RCRA permits under Section 703.183(t);
  - 9) Any other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to protect human health and the environment.

BOARD NOTE: Derived from 40 CFR 270.110, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- e) What if an owner or operator wants to keep this information confidential? 35 Ill. Adm. Code 120 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency under this Subpart H. An owner or operator shall assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code 120.305. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 120.201 at the time it submits the information, the Agency shall treat the information according to the procedures in 35 Ill. Adm. Code 120. If an owner or operator does not assert a claim at the time it submits the information, the Agency shall make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of an owner's or operator's name or address.



BOARD NOTE: Derived from 40 CFR 270.115, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- f) To whom must the owner or operator submit its RAP application? An owner or operator shall submit its application for a RAP to the Agency for approval.

BOARD NOTE: Derived from 40 CFR 270.120, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- g) If an owner or operator submits its RAP application as part of another document, what must the owner or operator do? If an owner or operator submits its application for a RAP as a part of another document, an owner or operator shall clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: Derived from 40 CFR 270.125, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 703.303 Getting a RAP Approved

- a) What is the process for approving or denying an application for a RAP?
- 1) If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency shall make a tentative decision to approve the RAP application. The Agency shall then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.
  - 2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation waste management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed under Section 39 of the Act [415 ILCS 5/39]. After making this tentative decision, the Agency shall prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that

application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.130, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

b) What must the Agency include in a draft RAP? If the Agency prepares a draft RAP, the draft must include the following information:

1) The information required under Section 703.302(d)(1) through (d)(6);

2) The following terms and conditions:

A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate, expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728;

B) The terms and conditions in Subpart F of this Part;

C) The terms and conditions for modifying, revoking and reissuing, and terminating the RAP, as provided in Section 703.304(a); and

D) Any additional terms or conditions that the Agency determines are necessary to protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency shall clearly identify the components of that document that constitute the draft RAP.

BOARD NOTE: Derived from 40 CFR 270.135, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

c) What else must the Agency prepare in addition to the draft RAP or notice of intent to deny? Once the Agency has prepared the draft RAP or notice of intent to deny, it shall then do the following:

1) Prepare a statement of basis that briefly describes the derivation of the

conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;

2) Compile an administrative record, including the following information:

A) The RAP application, and any supporting data furnished by the applicant;

B) The draft RAP or notice of intent to deny;

C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and

D) Any other documents that support the decision to approve or deny the RAP; and

3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.140, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

d) What are the procedures for public comment on the draft RAP or notice of intent to deny?

1) The Agency shall publish notice of its intent as follows:

A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;

B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;

C) Broadcast its intention to approve or deny the owner's or operator's RAP application over a local radio station; and

D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State

law with respect to any construction or operations at the site.

- 2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.
- 3) The notice required by subsection (d)(1) of this Section must include the following information:
  - A) The name and address of the Agency office processing the RAP application;
  - B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;
  - C) A brief description of the activity the RAP will regulate;
  - D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;
  - E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;
  - F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;
  - G) If a hearing is not scheduled, a statement of procedures to request a hearing;
  - H) The location of the administrative record, and times when it will be open for public inspection; and
  - I) Any additional information that the Agency considers necessary or proper.
- 4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency shall hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The

hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency shall schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following additional information:

- A) A reference to the date of any previous public notices relating to the RAP application;
- B) The date, time, and place of the hearing; and
- C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 270.145, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- e) How must the Agency make a final decision on a RAP application?
  - 1) The Agency shall consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may revise the draft RAP based on those comments, as appropriate.
  - 2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.
  - 3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.
  - 4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.
  - 5) When the Agency issues its final RAP decision, it shall refer to the

procedures for appealing the decision under subsection (f) of this Section.

- 6) Before issuing the final RAP decision, the Agency shall compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:
- A) All comments received during the public comment period;
  - B) Tapes or transcripts of any hearings;
  - C) Any written materials submitted at these hearings;
  - D) The responses to comments;
  - E) Any new material placed in the record since the draft RAP was issued;
  - F) Any other documents supporting the RAP; and
  - G) A copy of the final RAP.
- 7) The Agency shall make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.150, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

- f) May the decision to approve or deny a RAP application be administratively appealed?
- 1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board under 35 Ill. Adm. Code 705.212. Any person that did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under 35 Ill. Adm. Code 705.201 (or a decision under Section 703.240 to deny a permit

for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under 35 Ill. Adm. Code 705.Subpart D and 705.212(c), the Agency shall give public notice of any grant of review of a RAP through the same means used to provide notice under subsection (d) of this Section. The notice will include the following information:

- A) The public hearing and any briefing schedule for the appeal, as provided by the Board;
- B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and
- C) The information specified in subsection (d)(3) of this Section, as appropriate.

2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Derived from 40 CFR 270.155, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

g) When does a RAP become effective? An RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

- 1) The Agency specifies a later effective date in its decision;
- 2) An owner or operator or another person has appealed the RAP under subsection (f) of this Section (if the RAP is appealed, and the request for review is granted under subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or
- 3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Derived from 40 CFR 270.160, added at 63 Fed. Reg. 65944 (Nov. 30, 1998). The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

h) When may an owner or operator begin physical construction of new units permitted under the RAP? An owner or operator shall not begin physical construction of new units permitted under the RAP for treating, storing, or

disposing of hazardous remediation waste before receiving a finally effective RAP.

BOARD NOTE: Derived from 40 CFR 270.165, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated

- a) After a RAP is issued, how may it be modified, revoked and reissued, or terminated? In a RAP, the Agency shall specify, either directly or by reference, procedures for any future modification, revocation and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed under Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Derived from 40 CFR 270.170, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

- b) For what reasons may the Agency choose to modify a final RAP?
- 1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons listed in this Section exist. If one or more of these reasons do not exist, then the Agency shall not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:
- A) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;
- B) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;
- C) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued;



- D) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control and for which there is no reasonably available remedy;
- E) The owner or operator is not in compliance with conditions of its RAP;
- F) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;
- G) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the environment and can only be remedied by modifying the RAP; or
- H) The owner or operator has notified the Agency (as required in the RAP and under 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

- 2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility under Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, 705, and 720 through 726.
- 3) The Agency shall not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.175, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

- c) For what reasons may the Agency choose to revoke and reissue a final RAP?
  - 1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency shall not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that revocation and reissuance of the

RAP is appropriate.

- 2) The Agency shall not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.180, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- d) For what reasons may the Agency choose to terminate a final RAP, or deny a renewal application? The Agency may terminate a final RAP on its own initiative, or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this Section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Derived from 40 CFR 270.185, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- e) May the decision to approve or deny a modification, revocation and reissuance, or termination of a RAP be administratively appealed?
- 1) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, revocation and reissuance, or termination of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.
- 2) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, revocation and reissuance, or termination to the Board. Any person that did not file comments or which did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.
- 3) The procedure for appeals of RAPs is as follows:
- A) The person appealing the decision shall send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must

briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

B) The Board has 120 days after receiving the petition to act on it.

C) If the Board does not take action on the petition within 120 days after receiving it, the appeal shall be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3), as added at 63 Fed. Reg. 65945 (Nov. 30, 1998) allow 60 days for administrative review, which is too short a time for the Board to publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Derived from 40 CFR 270.190, added at 63 Fed. Reg. 65945 (Nov. 30, 1998). The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

f) When will a RAP expire? RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency shall review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and the owner or operator or the Agency shall follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and RCRA sections 3004 and 3005.

BOARD NOTE: Derived from 40 CFR 270.195, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

g) How may an owner or operator renew a RAP that is expiring? If an owner or operator wishes to renew an expiring RAP, the owner or operator shall follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.200, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

h) What happens if the owner or operator has applied correctly for a RAP renewal

but has not received approval by the time its old RAP expires? If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Derived from 40 CFR 270.205, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 703.305 Operating Under a RAP

a) What records must an owner or operator maintain concerning its RAP? An owner or operator is required to keep records of the following:

- 1) All data used to complete RAP applications and any supplemental information that an owner or operator submits for a period of at least three years from the date the application is signed; and
- 2) Any operating or other records the Agency requires an owner or operator to maintain as a condition of the RAP.

BOARD NOTE: Derived from 40 CFR 270.210, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

b) How are time periods in the requirements in Subpart H of this Part and the RAP computed?

- 1) Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if a RAP specifies that the owner or operator shall close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of the 180 days, and the owner or operator would have to complete closure by November 28.)
- 2) Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if an owner or operator is transferring ownership or operational control of its site, and the owner or operator wishes to transfer its RAP, the new owner or operator shall submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if an owner or operator plans to change ownership on January 1, the new owner or operator shall submit the revised RAP application no later than

October 3, so that the 90th day would be December 31.)

- 3) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then an owner or operator shall petition the Board within 35 days after the Agency has issued the final RAP decision. If the 35th day falls on Sunday, then the owner or operator may submit its appeal by the Monday after. If the 35th day falls on July 4th, then the owner or operator may submit its appeal by July 5th.)
- 4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, four days may not be added to the prescribed term. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then the owner or operator shall petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: Derived from 40 CFR 270.215, added at 63 Fed. Reg. 65945 (Nov. 30, 1998). Federal subsections (c) and (d) provide that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)]. Further, federal subsection (d) provides three days for completion of service by mail. The addition of four days (see procedural rule 35 Ill. Adm. Code 101.144(c)) to be consistent with 40 CFR 270.215(d) would exceed the 35 days allowed under Section 40(a)(1) of the Act [415 ILCS 5/40(a)(1)].

- c) How may an owner or operator transfer its RAP to a new owner or operator?
  - 1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator shall follow the requirements specified in its RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of Section 703.304(a). The new owner or operator shall submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.
  - 2) When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the applicable requirements in 35 Ill. Adm. Code 724.Subpart H (Financial Requirements) until the new owner or operator has demonstrated that it is complying with the requirements in

that Subpart. The new owner or operator shall demonstrate compliance with 35 Ill. Adm. Code 724.Subpart H within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with 35 Ill. Adm. Code 724.Subpart H to the Agency, the Agency shall notify the former owner or operator that it no longer needs to comply with 35 Ill. Adm. Code 724.Subpart H as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.220, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

- d) What must the Agency report about noncompliance with RAPs? The Agency shall report noncompliance with RAPs according to the provisions of 40 CFR 270.5, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: Derived from 40 CFR 270.225, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 703.306 Obtaining a RAP for an Off-Site Location

May an owner or operator perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?

- a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas in close proximity.
- b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency shall approve a RAP for this alternative location.
- c) An owner or operator shall request the RAP, and the Agency shall approve or deny the RAP, according to the procedures and requirements in Subpart H of this Part.
- d) A RAP for an alternative location must also meet the following requirements, which the Agency shall include in the RAP for such locations:
- 1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;
- 3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;
- 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time (the owner or operator shall demonstrate compliance with this standard through the requirements in Section 703.183(k)) (See the definitions of terms in 35 Ill. Adm. Code 724.118(a)).

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in 40 CFR 264, Appendix VI.

- e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:
  - 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and
  - 2) Application of 35 Ill. Adm. Code 724.101(j) in lieu of 35 Ill. Adm. Code 724.Subparts B, C, and D.

BOARD NOTE: Derived from 40 CFR 270.230, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 703.Appendix A Classification of Permit Modifications

### Class Modifications

#### A. General Permit Provisions

- 1 1. Administrative and informational changes.
- 1 2. Correction of typographical errors.
- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).

4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
  - 1 a. To provide for more frequent monitoring, reporting, or maintenance.
  - 2 b. Other changes.
5. Schedule of compliance:
  - 1\* a. Changes in interim compliance dates, with prior approval of the Agency.
  - 3 b. Extension of final compliance date.
- 1\* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.
- 1\* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

#### B. General Facility Standards

1. Changes to waste sampling or analysis methods:
  - 1 a. To conform with Agency guidance or Board regulations.
  - 1\* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.
  - 1\* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.
  - 2 d. Other changes.
2. Changes to analytical quality assurance/control plan:
  - 1 a. To conform with agency guidance or regulations.
  - 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the operating record.
- 2 4. Changes in frequency or content of inspection schedules.



## 5. Changes in the training plan:

2 a. That affect the type or decrease the amount of training given to employees.

1 b. Other changes.

## 6. Contingency plan:

2 a. Changes in emergency procedures (i.e., spill or release response procedures).

1 b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.

2 c. Removal of equipment from emergency equipment list.

1 d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

## 7. CQA plan:

1 a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

2 b. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

## C. Groundwater Protection

## 1. Changes to wells:

2 a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system.

- 1                    b.      Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.
- 1\*                  2.      Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1\*                  3.      Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2\*                  4.      Changes in point of compliance.
- 5.      Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs (Alternate Concentration Limits)):
  - 3                    a.      As specified in the groundwater protection standard.
  - 2                    b.      As specified in the detection monitoring program.
- 2                    6.      Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
- 7.      Compliance monitoring program:
  - 3                    a.      Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
  - 2                    b.      Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
- 8.      Corrective action program:
  - 3                    a.      Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
  - 2                    b.      Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D.      Closure

1. Changes to the closure plan:
  - 1\* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
  - 1\* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
  - 1\* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
  - 1\* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
  - 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
  - 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
  - 3 a. Surface impoundments.
  - 3 b. Incinerators.
  - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
  - 2 d. Waste piles that comply with 35 Ill. Adm. Code 724.350(c).
  - 2 e. Tanks or containers (other than specified below).
  - 1\* f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the Agency.

2 g. Staging piles.

E. Post-Closure

- 1 1. Changes in name, address, or phone number of contact in post-closure plan.
- 2 2. Extension of post-closure care period.
- 3 3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:
  - 3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
  - 2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
  - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2. Modification of container units without an increased capacity or alteration of the system:
  - 2 a. Modification of a container unit without increasing the capacity of the unit.

- 1                    b.     Addition of a roof to a container unit without alteration of the containment system.
3.     Storage of different wastes in containers, except as provided in F(4):
- 3                    a.     That require additional or different management practices from those authorized in the permit.
- 2                    b.     That do not require additional or different management practices from those authorized in the permit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
4.     Storage or treatment of different wastes in containers:
- 2                    a.     That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of “use of practically available technology that yields the greatest environmental benefit” contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1\*                   b.     That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

G.     Tanks

1.                    1.
- 3                    a.     Modification or addition of tank units resulting in greater than 25 percent increase in the facility’s tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).

- 2                    b.    Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
- 2                    c.    Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1\*                  d.    After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.
- 1\*                  e.    Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 2                    2.    Modification of a tank unit or secondary containment system without increasing the capacity of the unit.
- 1                    3.    Replacement of a tank with a tank that meets the same design standards and has a capacity within  $\pm$  10 percent of the replaced tank provided:
- a.    The capacity difference is no more than 1500 gallons,
- b.    The facility's permitted tank capacity is not increased, and
- c.    The replacement tank meets the same conditions in the permit.
- 2                    4.    Modification of a tank management practice.
5.    Management of different wastes in tanks:

- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).
- 2 b. That do not require additional or different management practices, or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1\* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of “use of practically available technology that yields the greatest environmental benefit” contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

#### H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility’s surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.

- 2           3.    Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.
- 2           4.    Modification of a surface impoundment management practice.
5.    Treatment, storage, or disposal of different wastes in surface impoundments:
- 3           a.    That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- 2           b.    That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.
- Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
- 1           c.    That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1           d.    That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- 1\*          6.    Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(d).



## 7. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

- 1. Modification or addition of waste pile units:
  - 3 a. Resulting in greater than 25 percent increase in the facility's waste pile storage or treatment capacity.
  - 2 b. Resulting in up to 25 percent increase in the facility's waste pile storage or treatment capacity.
- 2. Modification of waste pile unit without increasing the capacity of the unit.
- 1. 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
- 2. 4. Modification of a waste pile management practice.
- 5. Storage or treatment of different wastes in waste piles:
  - 3 a. That require additional or different management practices or different design of the unit.
  - 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2           6.    Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J.    Landfills and Unenclosed Waste Piles

- 3           1.    Modification or addition of landfill units that result in increasing the facility's disposal capacity.

- 3           2.    Replacement of a landfill.

- 3           3.    Addition or modification of a liner, leachate collection system, leachate detection system, ~~run-off~~ runoff control, or final cover system.

- 2           4.    Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, ~~run-off~~ runoff control, or final cover system.

- 2           5.    Modification of a landfill management practice.

6.    Landfill different wastes:

- 3           a.    That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

- 2           b.    That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of “use of practically available technology that yields the greatest environmental benefit” contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

1\* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

3 a. Increase in action leakage rate.

3 b. Change in a specific response reducing its frequency or effectiveness.

2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

#### K. Land Treatment

3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.

2 2. Modification of ~~run-on~~ runon control system.



- 2            11.    Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points, or ~~that~~ which replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2            12.    Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2            13.    Changes in sampling, analysis, or statistical procedure.
- 2            14.    Changes in land treatment demonstration program prior to or during the demonstration.
- 1\*          15.    Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1\*          16.    Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3            17.    Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2            18.    Changes in vegetative cover requirements for closure.

L.    Incinerators, Boilers and Industrial Furnaces

- 3            1.      Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

- 2            2.    Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3            3.    Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units; by adding a primary or secondary combustion unit; by substantially changing the design of any component used to remove HCl/Cl<sub>2</sub>, metals, or particulate from the combustion gases; or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2            4.    Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.
5.    Operating requirements:
- 3            a.    Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3            b.    Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
- 2            c.    Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

## 6. Burning different wastes:

3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

## 7. Shakedown and trial burn:

2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

1\* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

1\* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1\* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1 8. Substitution of an alternate type of ~~nonhazardous~~ non-hazardous waste fuel that is not specified in the permit.

- 1\* 9. Technology changes needed to meet standards under federal 40 CFR 63 (Subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of ~~35 Ill. Adm. Code Section~~ 703.280(j) are followed.

M. Containment Buildings.

1. Modification or addition of containment building units:
  - 3 a. Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.
  - 2 b. Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.
- 2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.
- 3 3. Replacement of a containment building with a containment building that meets the same design standards provided:
  - 1 a. The unit capacity is not increased.
  - 1 b. The replacement containment building meets the same conditions in the permit.
- 2 4. Modification of a containment building management practice.
- 5 5. Storage or treatment of different wastes in containment buildings:
  - 3 a. That require additional or different management practices.
  - 2 b. That do not require additional or different management practices

N. Corrective Action.

- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.



Note:\* indicates modifications requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (~~1997~~1998), as amended at 63 Fed. Reg. ~~33829-65941~~ (June 19~~98~~Nov. 30, 1998).

(Source: Amended at 23 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

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720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender

SUBPART B: DEFINITIONS

Section	
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SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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720.Appendix A	Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental

Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, 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, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, 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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

### Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 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.

“Act” or “RCRA” means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. USC 6901 et seq.)

“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 U.S. 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 tank(s), 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 consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Board” means the Illinois Pollution Control Board.

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

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 section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s)

(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 section(s) 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 shall 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 which 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.

“Certification” means a statement of professional opinion based upon knowledge and belief.

“Closed portion” means that portion of a facility which 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 under the provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

“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 which could threaten human health or the environment.

“Corrective action management unit” or “CAMU” means an area within a facility that is ~~designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h).~~ A CAMU shall only be used only for the management of managing remediation wastes pursuant to for implementing such corrective action requirements or cleanup at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

“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.

“Designated facility” means a hazardous waste treatment, storage, or disposal facility,

Which:

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

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1992);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1992); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which 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.

“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 ~~run on~~ runon to an associated collection system at wood preserving plants.

“Electric lamp” means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of “electric lamp” was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective

August 19, 1997).

“Elementary neutralization unit” means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

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 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

“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 which 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:

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

The owner or operator had entered into contractual obligations, —which 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 ~~that~~ which is in operation, or for which installation has 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~~ 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, —which 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 and/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 U.S. Department of Defense (U.S. DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and U.S. DOD-certified civilian or contractor personnel and other federal, ~~state~~ State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

“Facility” means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

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 under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

“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 which readily separate from the solid portion of a waste under ambient temperature and pressure.

“Generator” means any person, by site, whose act or process produce 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 waste” means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

“Hazardous waste constituent” means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, 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 which is not operated after November 19, 1980. (See also “active portion” and “closed portion”.)

“Incinerator” means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

“Incompatible waste” means a hazardous waste which is unsuitable for:

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 35 Ill. Adm. Code 725. Appendix E for 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

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 which 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 which 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 which 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.

“International shipment” means the transportation of hazardous waste into or out of the jurisdiction of the United States.

“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 which 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, which 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 originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

“Manifest document number” means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

“Mercury-containing lamp” means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of “mercury-containing lamp” was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“Military munitions” means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the U.S. Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (U.S. DOE), 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 U.S. DOD 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 U.S. DOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954, as amended, have been completed.

“Mining overburden returned to the mine site” means any material overlying an economic mineral deposit which 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 ~~which that is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, containment building, corrective action management unit (CAMU), or a unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.~~

“Movement” means that hazardous waste transported to a facility in an individual vehicle.

“New hazardous waste management facility” or “new facility” means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also “Existing hazardous waste management facility”.)

“New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, 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 commences 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 which 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 which he 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 ~~who~~ 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 which 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.

“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 the requirements of 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~~ section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 ~~U.S.C.~~ USC 321(v)), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA ~~Section~~ section 512, incorporated by reference in Section 720.111, to be an exempted new



animal drug, or

It is an animal feed under FFDCA ~~Section~~ section 201(w) (21 ~~U.S.C.~~ §-USC 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding subsections 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~~ section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 ~~U.S.C.~~ §-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 which 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~~ 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 325/4 and 68 Ill. Adm. Code 1380. “Professional certification” includes, but is not limited to, certification under the certified ~~ground-water~~ groundwater professional program of the National Ground Water Association.

“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 contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing ~~corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA Section 3008(h) cleanup.~~ For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

“Remediation waste management site” means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is 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) which 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 Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

“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 which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

“Small Quantity Generator” means a generator which generates less than 1000 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.

~~“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.~~

“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 the requirements of 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 which is a natural topographic depression, manmade excavation, or diked area

formed primarily of earthen materials (although it may be lined with manmade materials) which 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 ~~which~~ that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

“Tank system” means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

“Thermal treatment” means the treatment of hazardous waste in a device which 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 the requirements of 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 which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

“Transfer facility” means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste 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:

A study in which a hazardous waste is subjected to a treatment process to determine:

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.-  
Or,

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 such waste, or so as to recover energy or material resources from the waste, or so as to render such 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 under the universal waste requirements of 35 Ill. Adm. Code 733:

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

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

Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.  
BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“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:

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” or “U.S. EPA” means the United States Environmental Protection Agency.

“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 which:

Is part of a wastewater treatment facility which 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; and

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

Meets the definition of tank or tank system in this Section.

“Water (bulk shipment)” means the bulk transportation of hazardous waste which 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 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 720.111      References

- a)      The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 731, 733, 738, and 739:

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

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

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.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

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.



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. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C 94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D 88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D 93-85, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, approved October 25, 1985.

ASTM D 1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D 2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D 2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D 2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D 3828-87, Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, approved December 14, 1988.

ASTM E 168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E 169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E 260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G 21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G 22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

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

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

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 RP-02-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

“Flammable and Combustible Liquids Code” NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

“Generic Quality Assurance Project Plan for Land Disposal Restrictions Program”, EPA/530-SW-87-011, March 15, 1987– (Document number PB 88-170766-).

“Guideline on Air Quality Models”, Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

“Methods for Chemical Analysis of Water and Wastes”, Third Edition, March, 1983– (Document number PB 84-128677).

“Methods Manual for Compliance with BIF Regulations”, December, 1990– (Document number PB91-120-006).

“Petitions to Delist Hazardous Wastes -- A Guidance Manual, Second Edition”, EPA/530-R-93-007, March, 1993– (Document Number PB 93-169 365).

“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources”, October, 1992, Publication Number EPA-450/R-92-019.

“Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

OECD. Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: “CO<sub>2</sub> Evolution (Modified Sturm Test)”, adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

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).

U.S. DOD. Available from the United States Department of Defense:

“DOD Ammunition and Explosive Safety Standards” (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Talley Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

“Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells”, EPA 570/9-87-002, August, 1987.

USEPA. 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, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket # F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

- 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, Appendix B (19978)

40 CFR 51.100(ii) (19978)

40 CFR 51, Appendix W (19978)

40 CFR 52.741, Appendix B (19978)

40 CFR 60 (19978)

40 CFR 61, Subpart V (19978)

40 CFR 63 (19978), ~~as amended at 63 Fed. Reg. 18504 (Apr. 15, 1998)~~

40 CFR 136 (19978), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998) and amended at ~~62-63~~ Fed. Reg. ~~48394-50387~~ (Sep. ~~15~~ 21, ~~1997~~ 1998)

40 CFR 142 (19978)

40 CFR 220 (19978)

40 CFR 232.2 (1998)

40 CFR 260.20 (19978)

40 CFR 264 (19978)

40 CFR 268.41 (1990)

40 CFR 268.Appendix IX (19978)

40 CFR 270.5 (1998)

40 CFR 302.4, 302.5, and 302.6 (19978)

40 CFR 761 (19978)

49 CFR 171 (19978)

49 CFR 173 (19978)

49 CFR 178 (19978)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w)-~~&~~, and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 721  
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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721.102	Definition of Solid Waste

721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Quantity Generators
721.106	Requirements for Recyclable Materials
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721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

#### SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

##### Section

721.110	Criteria for Identifying the Characteristics of Hazardous Waste
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#### SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

##### Section

721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
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#### SUBPART D: LISTS OF HAZARDOUS WASTE

##### Section

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721.131	Hazardous Wastes From Nonspecific Sources
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721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof
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721.Appendix A	Representative Sampling Methods
721.Appendix B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
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Table B	Analytical Characteristics of Inorganic Species (Repealed)
Table C	Sample Preparation/Sample Introduction Techniques (Repealed)
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721.Appendix H	Hazardous Constituents
721.Appendix I	Wastes Excluded by Administrative Action
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Table B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from

	Specific Sources
Table C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
Table D	Wastes Excluded by the Board by Adjusted Standard
721.Appendix J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.Appendix Z	Table to Section 721.102

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

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## SUBPART A: GENERAL PROVISIONS

## Section 721.102 Definition of Solid Waste

- a) Solid waste.
  - 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
  - 2) A discarded material is any material that is:
    - A) Abandoned, as explained in subsection (b) of this Section;
    - B) Recycled, as explained in subsection (c) of this Section;
    - C) Considered inherently waste-like, as explained in subsection (d) of this Section; or
    - D) A military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.
- b) Materials are solid waste if they are abandoned by being:
  - 1) Disposed of; or
  - 2) Burned or incinerated; or
  - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
- c) Materials are solid wastes if they are recycled--or accumulated, stored or treated before recycling--as specified in subsections (c)(1) through (c)(4) of this Section if they are:
  - 1) Used in a manner constituting disposal.
    - A) Materials noted with a "yes" in column 1 of the table in Appendix Z of this Part are solid wastes when they are:
      - i) Applied to or placed on the land in a manner that constitutes disposal; or
      - ii) Used to produce products that are applied to or placed on

the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.
- 2) Burned for energy recovery.
- A) Materials noted with a “yes” in column 2 of the table in Appendix Z of this Part are solid wastes when they are:
- i) Burned to recover energy;
  - ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
  - iii) Contained in fuels (in which case the fuel itself remains a solid waste).
- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.
- 3) Reclaimed. Materials noted with a “yes” in column 3 of the table in Appendix Z of this Part are solid wastes when reclaimed (except as provided under Section 721.104(a)(~~1517~~)). Materials noted with a “--” in column 3 of Appendix Z of this Part are not solid wastes when reclaimed (except as provided under Section 721.104(a)(~~1517~~)).
- 4) Accumulated speculatively. Materials noted with “yes” in column 4 of the table in Appendix Z of this Part are solid wastes when accumulated speculatively.
- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
  - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:

- A) The material must contain a bromine concentration of at least 45 percent;
  - B) The material must contain less than a total of one percent of toxic organic compounds listed in Appendix H of this Part; and
  - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- 3) The following criteria are used to add wastes to the list:
- A) Disposal method or toxicity.
    - i) The materials are ordinarily disposed of, burned, or incinerated; or
    - ii) The materials contain toxic constituents listed in Appendix H of this Part and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
  - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
- 1) Materials are not solid wastes when they can be shown to be recycled by being:
    - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
    - B) Used or reused as effective substitutes for commercial products; or
    - C) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed in such a manner that there is no placement on the land. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found

at Section 721.104(a)(~~15~~17) apply rather than this provision.

- 2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) of this Section):
  - A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or
  - B) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or
  - C) Materials accumulated speculatively; or
  - D) Materials listed in subsections (d)(1) and (d)(2) of this Section.
  
- f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raise a claim that a certain material is not a solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
  - 1) Sewage:
    - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
    - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.

- 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- 3) Irrigation return flows.
- 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. USC 2011 et seq.).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
- 7) Spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
  - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
  - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
  - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
  - D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
  - A) Spent wood preserving solutions that have been used and which

are reclaimed and reused for their original intended purpose;

- B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and
- C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsections (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:
  - i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;
  - ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;
  - iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
  - iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in 35 Ill. Adm. Code 725.Subpart W, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and
  - v) Prior to operating pursuant to this exclusion, the plant owner or operator submits a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency shall reinstate the exclusion

in writing if it finds that the plant has returned to compliance with all conditions and that violations are not likely to recur. If the Agency denies an application, it shall transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act [415 ILCS 5/40].

- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:
  - A) Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-

bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USEPA hazardous waste number F037 listed wastes when disposed of or intended for disposal.

- B) Recovered oil that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739.100.
- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
  - 14) Shredded circuit boards being recycled, provided that they meet the following conditions:
    - A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
    - B) The circuit boards are free of mercury switches, mercury relays, and nickel-cadmium batteries and lithium batteries.
  - 15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.
  - 16) Comparable fuels or comparable syngas fuels (i.e., comparable or syngas fuels) that meet the requirements of Section 721.138.
  - 1617) Secondary materials (i.e., sludges, by-products, and spent materials as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing



industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that:

- A) The secondary material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
- B) The secondary material is not accumulated speculatively;
- C) Except as provided in subsection (a)(16)(D) of this Section, the secondary material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate which may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.
- D) The Agency shall allow by permit that solid mineral processing secondary materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.
  - i) The Agency shall also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the secondary material, including its

potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

- ii) Pads must meet the following minimum standards: they must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing secondary material; they must be capable of withstanding physical stresses associated with placement and removal; they must have ~~run-on/runoff~~ runon and runoff controls; they must be operated in a manner which controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.
- iii) Before making a determination under this subsection (a)(16)(D), the Agency shall provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See 35 Ill. Adm. Code 703.Subpart D for the RCRA Subtitle C permit public notice requirements.

- E) The owner or operator provides a notice to the Agency, identifying the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in non-land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.
- F) For purposes of subsection (b)(7) of this Section, mineral processing secondary materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

~~17) Comparable fuels or comparable syngas fuels (i.e., comparable or syngas fuels) that meet the requirements of Section 721.138.~~

- 18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:
    - A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USEPA hazardous waste code D018);
    - B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An “associated organic chemical manufacturing facility” is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. “Petrochemical recovered oil” is oil that has been reclaimed from secondary materials (i.e., sludges, byproducts, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.
  - 19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in Section 721.101(c).
- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. “Household waste” means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:
    - A) Receives and burns only:

- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
  - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:
  - A) The growing and harvesting of agricultural crops, or
  - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

## 6) Chromium wastes:

- A) Wastes that fail the test for the toxicity characteristic (Sections 721.124 and 721.Appendix B) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
  - ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
  - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
  - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
  - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;
  - iv) Sewer screenings generated by the following subcategories

of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;

- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearling;
  - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
  - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
  - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.
  - B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

- i) Slag from primary copper processing;
- ii) Slag from primary lead processing;
- iii) Red and brown muds from bauxite refining;
- iv) Phosphogypsum from phosphoric acid production;
- v) Slag from elemental phosphorus production;
- vi) Gasifier ash from coal gasification;
- vii) Process wastewater from coal gasification;
- viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- ix) Slag tailings from primary copper processing;
- x) Fluorogypsum from hydrofluoric acid production;
- xi) Process wastewater from hydrofluoric acid production;
- xii) Air pollution control dust or sludge from iron blast furnaces;
- xiii) Iron blast furnace slag;
- xiv) Treated residue from roasting and leaching of chrome ore;
- xv) Process wastewater from primary magnesium processing by the anhydrous process;
- xvi) Process wastewater from phosphoric acid production;
- xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
- xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- xix) Chloride processing waste solids from titanium tetrachloride production; and

- xx) Slag from primary zinc production.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- i) The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and
  - ii) The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:



- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
  - B) Hot-draining and crushing;
  - C) Dismantling and hot-draining; or
  - D) Any other equivalent hot-draining method that will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- 15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under certain circumstances:
- A) The following conditions must be fulfilled:
    - i) The solid wastes disposed of would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (January 19, 1999);
    - ii) The solid wastes described in subsection (b)(15)(A) of this Section were disposed of prior to the effective date of the listing;
    - iii) The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and
    - iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act.
  - B) After February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in

compliance with the conditions of this subsection (b)(15) of this Section after the emergency ends.

- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.
- d) Samples
- 1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705, and 722 through 728. The sample qualifies when:
    - A) The sample is being transported to a laboratory for the purpose of testing;
    - B) The sample is being transported back to the sample collector after testing;
    - C) The sample is being stored by the sample collector before transport to a laboratory for testing;
    - D) The sample is being stored in a laboratory before testing;
    - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
    - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
  - 2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- A) Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
  - B) Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
    - i) Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
    - ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.
  - 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.
- e) Treatability study samples.
- 1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
    - A) The sample is being collected and prepared for transportation by the generator or sample collector;
    - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
    - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
  - 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose

of conducting treatability studies provided that:

- A) The generator or sample collector uses (in “treatability studies”) no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;
- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
  - i) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
  - ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;
- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:
  - i) Copies of the shipping documents;

- ii) A copy of the contract with the facility conducting the treatability study;
  - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
- F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:
- A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
  - B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.
  - C) The additional quantities allowed and timeframes allowed in

subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector shall apply to the Agency and provide in writing the following information:

- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
  - ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
  - iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
  - iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
  - v) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a

group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).
- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 10,000 kg of “as received” media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other “as received” hazardous waste is subject to initiation of treatment in all treatability studies in any single day. “As received” waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of “as received” hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including ~~nonhazardous~~ non-hazardous solid waste) added to “as received” hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
  - B) The date the shipment was received;
  - C) The quantity of waste accepted;
  - D) The quantity of “as received” waste in storage each day;
  - E) The date the treatment study was initiated and the amount of “as received” waste introduced to treatment each day;
  - F) The date the treatability study was concluded;
  - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
- A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
  - B) The types (by process) of treatability studies conducted;
  - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
  - D) The total quantity of waste in storage each day;
  - E) The quantity and types of waste subjected to treatability studies;
  - F) When each treatability study was conducted; and
  - G) The final disposition of residues and unused sample from each



treatability study.

- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection (g), the following definitions apply:

“Dredged material” has the same meaning as in 40 CFR 232.2, incorporated by reference in 35 Ill. Adm. Code 720.111.

“Permit” means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 721.Appendix Z Table to Section 721.102

Table			
1	2	3	4

Applicable Subsection of Section 721.102:	Use constituting disposal	Burning for energy recovery or use to produce a fuel	Reclamation (except as provided in Section 721.104-(a)(15-17) for mineral processing secondary materials)	Speculative accumulation
(c)(1)	(c)(2)	(c)(3)	(c)(4)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	--	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	--	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	--	--
Scrap metal other than excluded scrap metal (see Section 721.101-(c)(9))	Yes	Yes	Yes	Yes

Yes - Defined as a solid waste

No - Not defined as a solid waste

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (1997), as amended at 63 Fed. Reg. 28636 (May 26, 1998). The terms "spent materials", "sludges", "by-products", "scrap

metal”, and “processed scrap metal” are defined in Section 721.101.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 724  
STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS  
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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

**SOURCE:** Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended

in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, ~~33 U.S.C.~~ USC 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.Subpart F.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except

under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.

- g) The requirements of this Part do not apply to:
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.  
  
BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.
  - 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
  - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
  - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
  - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
  - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table T) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
  - 7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
  - 8) Immediate response:
    - A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during

immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
  - ii) An imminent and substantial threat of a discharge of hazardous waste;
  - iii) A discharge of a material that becomes a hazardous waste when discharged; or
  - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of ~~724~~.Subparts C and D of this Part.
- C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
- D) In the case of an explosives or munitions emergency response, if a federal, ~~state~~ State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters ~~who~~ that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.
- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
  - D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (g)(11)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- j) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites shall comply with the following requirements:
  - 1) The owner or operator shall obtain an EPA identification number by

applying to USEPA using USEPA Form 8700-12;

- 2) The owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator shall keep the analysis accurate and up to date;
- 3) The owner or operator shall prevent people who are unaware of the danger from entering the site, and the owner or operator shall minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
  - A) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and
  - B) Disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator shall inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator shall remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall immediately take remedial action;
- 5) The owner or operator shall provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator shall prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;
- 7) For remediation waste management sites subject to regulation under

Subparts I through O and Subpart X of this Part, the owner or operator shall design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);

- 8) The owner or operator shall not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator shall develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119;
- 10) The owner or operator shall develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator shall designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;
- 12) The owner or operator shall develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10) of this Section; and
- 13) The owner or operator shall maintain records documenting compliance

with subsections (j)(1) through (j)(12) of this Section.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

##### Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:
  - 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Appendix A of this Part;
  - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);
- 5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing, or analytical data and corrective action data where required by Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, and 724.982 through 724.990;



- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure care cost estimates under Section 724.244;
- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;
- 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable;
- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;
- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;~~and~~

- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108-; and
- 17) Any records required under Section 724.101(j)(13).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

### Section 724.190 Applicability

- a) Types of units.
- 1) Except as provided in subsection (b), the regulations in this Subpart apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator shall satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.
  - 2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit or landfill that receives hazardous waste after July 26, 1982 (hereinafter referred to as a "regulated unit") must comply with the requirements of Sections 724.191 through 724.200 in lieu of Section 724.201 for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.
- b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart if:
- 1) The owner or operator is exempted under Section 724.101; or,
  - 2) The owner or operator operates a unit which the Agency finds:
    - A) Is an engineered structure.
    - B) Does not receive or contain liquid waste or waste containing free liquids.
    - C) Is designed and operated to exclude liquid, precipitation, and

other ~~run-on~~ runon and ~~run-off~~ runoff.

- D) Has both inner and outer layers of containment enclosing the waste.
  - E) Has a leak detection system built into each containment layer.
  - F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods, ~~and~~ and.
  - G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; or
- 3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this Subpart during the post-closure care period; or
- 4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration; or
- 5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).
- c) The regulations under this Subpart apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart;
- 1) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or

decontaminated at closure;

- 2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting a detection monitoring program under Section 724.198; or
  - 3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.
- d) This Subpart applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.
- e) The regulations of this Subpart F apply to all owners and operators subject to the requirements of 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. When alternative requirements apply to a facility, a reference in this Subpart to “in the permit” shall mean “in the enforceable document.”
- f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
  - 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will protect human health and the environment.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 724.201 Corrective Action for Solid Waste Management Units

- a) The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute ~~correction~~ corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.

- b) Corrective action will be specified in the permit in accordance with this Section and Subpart S of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.
- c) The owner or operator ~~must~~shall implement corrective action measures beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.
- d) The requirements of this Section do not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART G: CLOSURE AND POST-CLOSURE CARE

##### Section 724.210      Applicability

Except as Section 724.101 provides otherwise:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of:
  - 1) All hazardous waste disposal facilities; or
  - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that ~~these~~ Sections 724.216 through 724.220 are made applicable to such facilities in Sections 724.328 or 724.358; or
  - 3) Tank systems which are required under Section 724.297 to meet the

requirements for landfills; or

- 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills-; and

c) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards referenced in Section 724.211(c) applying to a regulated unit) with alternative requirements set out in a permit or other enforceable document, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will protect human health and the environment and will satisfy the closure performance standard of Section 724.211 (a) and (b).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.212 Closure Plan; Amendment of Plan

a) ~~Written-Plan~~ plan.

- 1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.
- 2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and approved

revisions must be furnished to the Agency upon request, including requests by mail.

- b) Content of plan. The plan must identify steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:
- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211; and
  - 2) A description of how final closure of the facility will be conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and
  - 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and
  - 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
  - 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and ~~run-on~~ runoff and ~~run-off~~ runoff control; and
  - 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure— (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); and

- 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure-; and
- 8) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.
- c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702, 703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
- 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:
- A) Changes in operating plans or facility design affect the closure plan;-~~or~~
- B) There is a change in the expected year of closure, if applicable,-~~or~~;  
~~or~~;
- C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan-; or
- D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).
- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event



occurs during the partial or final closure period, the owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under ~~Sections~~ Sections 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.

- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705.

d) Notification of partial closure and final closure.

- 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.
- 2) The date when the owner or operator "expects to begin closure" must be either:
  - A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional

hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit. ~~Or;~~ or

- B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.
- 3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order to cease receiving hazardous wastes or to close, then the requirements of this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.
- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.218 ~~Post-closure~~ Closure Care Plan; Amendment of Plan

- a) **Written Plan.** The owner or operator of a hazardous waste disposal unit shall have a written post-closure care plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to

remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328(c)(1)(B) and 724.358(c)(1)(B) to have contingent post-closure care plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure care plans under ~~Sections~~ Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure care plan to the Agency within 90 days from the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a condition of any RCRA permit issued.

- b) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least:
- 1) A description of the planned monitoring activities and frequencies which they will be performed to comply with Subparts F, K, L, M, N<sub>2</sub> and X during the post-closure care period;
  - 2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:
    - A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M, N<sub>2</sub> and X; and
    - B) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M, N<sub>2</sub> and X; and
  - 3) The name, address, and phone number of the person or office to contact about the hazardous disposal unit during the post-closure care period.
  - 4) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.
- c) Until final closure of the facility, a copy of the approved post-closure care plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection

(b)(3) shall keep the approved post-closure care plan during the remainder of the post-closure care period.

- d) Amendment of plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan in accordance with the applicable requirements of 35 Ill. Adm. Code 703 and 705. The written notification or request must include a copy of the amended post-closure care plan for review or approval by the Agency.
- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period.
  - 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan whenever any of the following occurs:
    - A) Changes in operating plans or facility design affect the post-closure care plan; ~~or~~
    - B) There is a change in the expected year of closure if applicable; ~~or~~
    - C) Events occur during the active life of the facility, including partial and final closures, ~~which that~~ which that affect the approved post-closure care plan; or
    - D) The owner or operator requests establishment of alternative requirements to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).
  - 3) The owner or operator shall submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure care plan under ~~Sections~~ Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure care plan to the Agency no later than 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410. The Agency shall approve, disapprove, or modify this plan in accordance with the procedure in 35 Ill. Adm. Code 703 and 705. In

accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a permit condition.

- 4) The Agency may request modifications to the plan under the conditions described in subsection (d)(2). The owner or operator shall submit the modified plan no later than 60 days after the request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure care plan. Any modifications requested by the Agency shall be approved, disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: FINANCIAL REQUIREMENTS

### Section 724.240 Applicability

- a) The requirements of Sections 724.242, 724.243, and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.
- b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of:
  - 1) Disposal facilities; or
  - 2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that ~~these~~ Sections 724.244 and 724.245 are made applicable to such facilities in Sections 724.328 and 724.358; or
  - 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
  - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.
- c) States and ~~Federal~~ federal government are exempt from the requirements of this Subpart.
- d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of this Subpart H of this Part applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where

the Board or Agency has done the following:

- 1) The Board or Agency has established alternative requirements for the regulated unit established under Section 724.190(f) or 724.210(d); and
- 2) The Board or Agency determines that it is not necessary to apply the financial assurance requirements of this Subpart H of this Part because the alternative financial assurance requirements will protect human health and the environment.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

##### Section 724.652      Corrective Action Management Units

- a) ~~For the purpose of implementing~~ To implement remedies under Section 724.201 or RCRA ~~Section section~~ 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit, as defined in 35 Ill. Adm. Code ~~720.10~~ 720.110, in accordance with the requirements of this Section. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
  - 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
  - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Designation of a CAMU.
  - 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if:
    - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
    - B) Inclusion of the regulated unit will enhance implementation of

effective, protective, and reliable remedial actions for the facility.

- 2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency shall designate a CAMU in accordance with the following factors:
- 1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
  - 2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
  - 3) The CAMU shall include uncontaminated areas of the facility only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
  - 4) Areas within the CAMU where wastes remain in place after its closure shall be managed and contained so as to minimize future releases to the extent practicable;
  - 5) The CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;
  - 6) The CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
  - 7) The CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.
- d) The owner or operator shall provide sufficient information to enable the Agency to designate a CAMU in accordance with the standards of this Section.
- e) The Agency shall specify in the permit the requirements applicable to a CAMU, including the following:
- 1) The areal configuration of the CAMU.

- 2) Requirements for remediation waste management, including the specification of applicable design, operation, and closure requirements.
- 3) Requirements for groundwater monitoring that are sufficient to:
  - A) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
  - B) Detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU.
- 4) Closure and post-closure care requirements.
  - A) Closure of a CAMU shall:
    - i) Minimize the need for further maintenance; and
    - ii) Control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere.
  - B) Requirements for closure of a CAMU shall include the following, as appropriate:
    - i) Requirements for excavation, removal, treatment, or containment of wastes;
    - ii) For areas in which wastes will remain after closure of the CAMU, requirements for the capping of such areas; and
    - iii) Requirements for the removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU.
  - C) In establishing specific closure requirements for a CAMU under this subsection (c), the Agency shall consider the following



factors:

- i) The characteristics of the CAMU;
  - ii) The volume of wastes that remain in place after closure;
  - iii) The potential for releases from the CAMU;
  - iv) The physical and chemical characteristics of the waste;
  - v) The hydrological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and
  - vi) The potential for exposure of humans and environmental receptors if releases were to occur from the CAMU.
- D) Post-closure care requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.
- f) The Agency shall document the rationale for designating the CAMU and shall make such documentation available to the public.
  - g) Incorporation of a CAMU into an existing permit must be approved by the Agency according to the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273 or according to the permit modification procedures of 35 Ill. Adm. Code 703.283.
  - h) The designation of a CAMU does not change the Agency's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.

BOARD NOTE: ~~Derived from 40 CFR 264.552 (1992), as added at 58 Fed. Reg. 8683 (Feb. 16, 1993). U.S. EPA-USEPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until U.S. EPA-USEPA authorizes this Illinois provision, an owner or operator must seek CAMU authorization from U.S. EPA-USEPA Region V, as well as authorization from the Agency under this provision.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 724.653 Temporary Units

- a) ~~For temporary tanks and container storage areas used for treatment or storage of to treat or store hazardous remediation wastes; during remedial activities required under Section 724.201 or RCRA section 3008(h), or at a permitted facility that is not subject to Section 724.201, the Agency shall establish alternative requirements pursuant to this Section if it determines that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements that is equally as protective of human health and the environment as would be the standards of this Part or of 35 Ill. Adm. Code 725, if applied. may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units under this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that protect human health and the environment.~~
- b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) shall be:
- 1) Located within the facility boundary; and
  - 2) Used only for treatment or storage of remediation wastes.
- c) In establishing alternative requirements to be applied to a temporary unit, the Agency shall consider the following factors:
- 1) The length of time such unit will be in operation;
  - 2) The type of unit;
  - 3) The volumes of wastes to be managed;
  - 4) The physical and chemical characteristics of the wastes to be managed in the unit;
  - 5) The potential for releases from the unit;
  - 6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
  - 7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.

- d) The Agency shall specify in the permit the length of time a temporary unit will be allowed to operate, which shall be no longer than one year. The Agency shall also specify the design, operating, and closure requirements for the unit.
- e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines that:
  - 1) Continued operation of the unit will not pose a threat to human health and the environment; and
  - 2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- f) Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:
  - 1) Approved in accordance with the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273; or
  - 2) Requested by the owner/operator as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.
- g) The Agency shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

BOARD NOTE: ~~Derived from 40 CFR 264.553 (1992), as added at 58 Fed. Reg. 8684 (Feb. 16, 1993).~~ U.S. EPA-USEPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until U.S. EPA-USEPA authorizes this Illinois provision, an owner or operator must seek TU authorization from U.S. EPA-USEPA Region V, as well as authorization from the Agency under this provision.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 724.654 Staging Piles

This Section is written in a special format to make it easier to understand the regulatory requirements. Like all other regulations, this Section establishes enforceable legal requirements.

- a) What is a staging pile? A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and which is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the

contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.

- b) When may an owner or operator use a staging pile? An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency shall designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency shall establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k) of this Section.
- c) What information must an owner or operator provide to get a staging pile designated? When seeking a staging pile designation, an owner or operator shall provide:
- 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging pile according to subsections (d) through (k) of this Section;
  - 2) Certification by an independent, qualified, registered professional engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will protect human health and the environment; and
  - 3) Any additional information the Agency determines is necessary to protect human health and the environment.
- d) What performance criteria must a staging pile satisfy? The Agency shall establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
- 1) The standards and design criteria must comply with the following:
    - A) The staging pile must facilitate a reliable, effective, and protective remedy;
    - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, or runoff and runoff

controls, as appropriate); and

C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension under subsection (i) of this Section. An owner or operator shall measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator shall maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

2) In setting the standards and design criteria, the Agency shall consider the following factors:

A) The length of time the pile will be in operation;

B) The volumes of wastes the owner or operator intends to store in the pile;

C) The physical and chemical characteristics of the wastes to be stored in the unit;

D) The potential for releases from the unit;

E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and

F) The potential for human and environmental exposure to potential releases from the unit.

e) May a staging pile receive ignitable or reactive remediation waste? An owner or operator shall not place ignitable or reactive remediation waste in a staging pile unless:

1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:

A) The remediation waste no longer meets the definition of ignitable or reactive under 35 Ill. Adm. Code 721.121 or 721.123; and

B) The owner or operator has complied with Section 724.117(b); or

- 2) An owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) How does an owner or operator handle incompatible remediation wastes in a staging pile? The term “incompatible waste” is defined in 35 Ill. Adm. Code 720.110. An owner or operator shall comply with the following requirements for incompatible wastes in staging piles:
- 1) An owner or operator shall not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
  - 2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator shall separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and
  - 3) An owner or operator shall not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).
- g) Are staging piles subject to Land Disposal Restrictions (LDR) and federal Minimum Technological Requirements (MTR)? No. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of RCRA 3004(o), 42 USC 6924(o).
- h) How long may an owner or operator operate a staging pile? The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator shall use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the “operating term”), except as provided in subsection (i) of this Section.
- i) May an owner or operator receive an operating extension for a staging pile?
- 1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (l) of this Section for modification procedures). To justify the need for an extension, an owner or operator shall provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:

- A) Continued operation will not pose a threat to human health and the environment; and
  - B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- 2) The Agency shall, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.
- j) What is the closure requirement for a staging pile located in a previously contaminated area?
- 1) Within 180 days after the operating term of the staging pile expires, an owner or operator shall close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:
    - A) Remediation waste;
    - B) Contaminated containment system components; and
    - C) Structures and equipment contaminated with waste and leachate.
  - 2) An owner or operator shall also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will protect human health and the environment.
  - 3) The Agency shall include the above requirements in the permit, closure plan, or order in which the staging pile is designated.
- k) What is the closure requirement for a staging pile located in an uncontaminated area?
- 1) Within 180 days after the operating term of the staging pile expires, an owner or operator shall close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.
  - 2) The Agency shall include the above requirement in the permit, closure plan, or order in which the staging pile is designated.
- l) How may an existing permit (for example, RAP), closure plan, or order be modified to allow an owner or operator to use a staging pile?

- 1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:
  - A) The Agency shall approve the modification under the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or
  - B) An owner or operator shall request a Class 2 modification under 35 Ill. Adm. Code 703.280 through 703.283.
- 2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator shall comply with the RAP modification requirements under 35 Ill. Adm. Code 703.304(a) and (b).
- 3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator shall follow the applicable requirements under Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).
- 4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator shall follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).
- m) Is information about the staging pile available to the public? The Agency shall document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 725  
 INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF  
 HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL  
 FACILITIES

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725.Appendix D	Tests for Significance
725.Appendix E	Examples of Potentially Incompatible Waste
725.Appendix F	Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

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

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

### Section 725.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 and ~~724.653~~ through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. USC 6901 et

seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

- c) The requirements of this Part do not apply to:
- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. USC 1431-1434; 33 U.S.C. USC 1401);
- BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this Section.
- 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
  - 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.



- 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code ~~726.Subparts~~ 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table T) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator ~~must~~ shall comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:
  - A) Except as provided in subsection (c)(11)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of a hazardous waste;

- iii) A discharge of a material that becomes a hazardous waste when discharged; or
  - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- B) An owner or operator of a facility otherwise regulated by this Part ~~must~~shall comply with all applicable requirements of 725.Subparts C and D.
- C) Any person that is covered by subsection (c)(11)(A) of this Section that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
- D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters ~~who~~that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;

- 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - C) Thermostats, as described in 35 Ill. Adm. Code 733.104 and; and
  - D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (c)(14)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:
- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
  - 2) The waste is stored in tanks or containers;
  - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725.Subpart L;
  - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
  - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply

to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: GROUNDWATER MONITORING

### Section 725.190 Applicability

- a) The owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste ~~must~~ shall implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as Section 725.101 and paragraph (c) provide otherwise.
- b) Except as paragraphs (c) and (d) provide otherwise, the owner or operator ~~must~~ shall install, operate, and maintain a groundwater monitoring system which meets the requirements of Section 725.191 and ~~must~~ shall comply with Sections 725.192 through 725.194. This groundwater monitoring program must be carried out during the active life of the facility and for disposal facilities during the post-closure care period as well.
- c) All or part of the groundwater monitoring requirements of this Subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial or agricultural) or to surface water. This demonstration must be in writing and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:
- 1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer by an evaluation of:
    - A) A water balance of precipitation, evapotranspiration, runoff, and infiltration; and

- B) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and
  - 2) The potential for hazardous waste or hazardous waste constituents which enter the uppermost aquifer to migrate to a water supply well or surface water by an evaluation of:
    - A) Saturated zone characteristics (i.e., geologic materials, physical properties, and rate of groundwater flow); and
    - B) The proximity of the facility to water supply wells or surface water.
- d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with Sections 725.191 and 725.192 would show statistically significant increases (or decreases in the case of pH) when evaluated under Section 725.193(b), he may install, operate, and maintain an alternate groundwater monitoring system (other than the one described in Sections 725.191 and 725.192). If the owner or operator decides to use an alternate groundwater monitoring system ~~he must~~ it shall have:
  - 1) By November 19, 1981, submitted to the Regional Administrator a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system;
  - 2) By November 19, 1981, initiated the determinations specified in 40 CFR 265.93(d)(4);
  - 3) Prepare and submit a written report in accordance with Section 725.193(d)(5);
  - 4) Continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and
  - 5) Comply with the recordkeeping and reporting requirements in Section 725.194(b).
- e) The groundwater monitoring requirements of this Subpart may be waived with respect to any surface impoundment which:
  - 1) Is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under 35 Ill. Adm. Code 721.122 or are listed as hazardous wastes in 35 Ill. Adm. Code 721, Subpart D only

for this reason; and

- 2) Contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.

f) A permit or enforceable document can contain alternative requirements for groundwater monitoring that replace all or part of the requirements of this Subpart F applicable to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the groundwater monitoring requirements of this Subpart F because the alternative requirements will protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of 35 Ill. Adm. Code 724.201(a).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CLOSURE AND POST-CLOSURE CARE

### Section 725.210      Applicability

Except as Section 725.101 provides otherwise:

- a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 725.216 through 725.220 (which concern post-closure care) apply to the owners and operators of:
  - 1) All hazardous waste disposal facilities; or
  - 2) Waste piles and surface impoundments from which the owner or

operator intends to remove the wastes at closure to the extent that these Sections are made applicable to such facilities in ~~Sections~~ Section 725.328 or 725.358; or

- 3) Tank systems which are required under Section 725.297 to meet requirements for landfills; or
- 4) Containment buildings that are required under Section 725.1102 to meet the requirement for landfills.

c) Section 725.221 applies to owners and operators of units that are subject to the requirements of 35 Ill. Adm. Code 703.161 and which are regulated under an enforceable document (as established pursuant to 35 Ill. Adm. Code 703.161).

d) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards in Section 725.211(c)) applying to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the closure requirements of this Subpart (and those referenced herein) because the alternative requirements will protect human health and the environment, and will satisfy the closure performance standard of Section 725.211 (a) and (b).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 725.212 Closure Plan; Amendment of Plan

- a) ~~Written-Plan~~ plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee, or representative of the Agency.
- b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure

plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; ~~and~~
- 2) A description of how final closure of the facility will be conducted in accordance with Section 725.211. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility; ~~and~~
- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing, or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; ~~and~~
- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; ~~and~~
- 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and ~~run-on~~ runoff and ~~run-off~~ runoff control; ~~and~~
- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included.); ~~and~~
- 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under ~~Sections~~ Section 725.243 or 725.245 and whose remaining operating life is less than



twenty years, and for facilities without approved closure plans; and

8) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.

c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.

- 1) The owner or operator shall amend the closure plan, whenever:
  - A) Changes in the operating plans or facility design affect the closure plan; ~~or;~~
  - B) Whenever there is a change in the expected year of closure, if applicable; ~~or;~~
  - C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan; or
  - D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 725.190(f), 725.210(c), or 725.240(d).
- 2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles ~~who~~ that intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
- 3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30

days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles ~~who~~ that intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code ~~702.280~~ 703.280, the modification to the plan shall be approved according to the procedures in subsection (d)(4), ~~below~~ of this Section.

- 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1), ~~above~~ of this Section. An owner or operator with an approved closure plan shall submit the modified plan within 60 days ~~of~~ after the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code ~~702.280~~ 703.280, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4), ~~below~~ of this Section.
- d) Notification of partial closure and final closure.
- 1) When notice is required.
    - A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier.
    - B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
    - C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.
    - D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit.

- E) Owners or operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
  - F) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.
- 2) The date when the owner or operator “expects to begin closure” must be either:
- A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or
  - B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.
- 3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:

- A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
  - B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or close.
- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify, or disapprove the plan within 90 days of its receipt. If the Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 724.1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.
- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 725.218      ~~Post-closure~~ Closure Care Plan; Amendment of Plan

- a) Written Plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure shall prepare a post-closure care plan and submit it to the Agency within 90 days after the date that the owner or operator or Agency determines that the

hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of Sections 725.217 through 725.220.

- b) Until final closure of the facility, a copy of the most current post-closure care plan must be furnished to the Agency upon request, including request by mail. In addition, for facilities without approved post-closure care plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee, or representative of the Agency. After final closure has been certified, the person or office specified in subsection (c)(3) shall keep the approved post-closure care plan during the post-closure care period.
- c) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities which will be carried on after closure of each disposal unit and the frequency of these activities and include at least:
  - 1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with Subparts F, K, L, M<sub>2</sub> and N during the post-closure care period;
  - 2) A description of the planned maintenance activities and frequencies at which they will be performed to ensure:
    - A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M<sub>2</sub> and N; and
    - B) The function of the monitoring equipment in accordance with the requirements of Subparts F, K, L, M<sub>2</sub> and N; ~~and~~
  - 3) The name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility during the post-closure care period.
  - 4) For a facility subject to Section 725.221, provisions that satisfy the requirements of Section 725.221(a)(1) and (a)(3).
  - 5) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.
- d) Amendment of plan. The owner or operator may amend the post-closure care plan at any time during the active life of the facility or during the post-closure

care period. An owner or operator with an approved post-closure care plan shall submit a written request to the Agency to authorize a change to the approved plan. The written request must include a copy of the amended post-closure care plan for approval by the Agency.

- 1) The owner or operator shall amend the post-closure care plan whenever:
  - A) Changes in operating plans or facility design affect the post-closure care plan; or
  - B) Events occur during the active life of the facility, including partial and final closures, which affect the post-closure care plan; and
  - C) The owner or operator requests the establishment of alternative requirements to a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d).
- 2) The owner or operator shall amend the post-closure care plan at least 60 days prior to the proposed changes in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure care plan.
- 3) An owner or operator with an approved post-closure care plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure care plan. If an owner or operator of a surface impoundment or a waste pile ~~who that~~ intended to remove all hazardous wastes at closure in accordance with ~~Sections~~ Section 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator shall submit a post-closure care plan within 90 days after the determination by the owner or operator or Agency that the unit must be closed as a landfill. If the amendment to the post-closure care plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280, the modification to the plan must be approved according to the procedures in subsection (f).
- 4) The Agency may request modifications to the plan under the conditions described in ~~above~~ subsection (d)(1) of this Section. An owner or operator with an approved post-closure care plan shall submit the modified plan no later than 60 days after the request from the Agency. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280 the modifications to the post-closure care plan must be approved in accordance with the

procedures in subsection (f). If the Agency determines that an owner or operator of a surface impoundment or waste pile ~~who~~ that intended to remove all hazardous wastes at closure shall close the facility as a landfill, the owner or operator shall submit a post-closure care plan for approval to the Agency within 90 days after the determination.

- e) The owner or operator of a facility with hazardous waste management units subject to these requirements shall submit the post-closure care plan to the Agency at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date when the owner or operator “expects to begin closure” of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
- 1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
  - 2) Issuance of a judicial decree or Board order to cease receiving wastes or close.
- f) Procedures.
- 1) Except as provided in subsection (f)(2), the Agency shall provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the post-closure care plan and request modifications to the plan, no later than 30 days after the date of the notice. The Agency may also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the post-closure care plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency determines not to approve the plan, the Agency shall provide the owner or operator with a detailed statement of reasons for the refusal and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statements. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved

post-closure care plan. Any final Agency determination shall ensure that the approved post-closure care plan is consistent with Sections 725.217 through 725.220. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- 2) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.
- g) The post-closure care plan and length of the post-closure care period may be modified at any time prior to the end of the post-closure care period in either of the following two ways:
- 1) The owner or operator or any member of the public may petition to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.
    - A) The petition must include evidence demonstrating that:
      - i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure care plan (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or
      - ii) The requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment- (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).
    - B) These petitions must be considered only when they present new and relevant information not previously considered.
      - i) Except as provided in subsection (g)(1)(B)(ii), whenever the Agency is considering a petition, it shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within



30 days of the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure care plan. The Agency shall give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, the Agency shall issue a final determination, based upon the criteria set forth in subsection(g)(1).

- ii) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.
- C) If the Agency denies the petition, it shall send the petitioner a brief written response giving a reason for the denial.
- 2) The Agency shall tentatively decide to modify the post-closure care plan if the Agency determines that it is necessary to prevent threats to human health and the environment. The Agency may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.
  - A) The Agency shall provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days ~~of~~ after the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B). After considering the comments, the Agency shall issue a final determination.
  - B) The Agency shall base its final determination upon the same criteria as required for petitions under subsection (g)(1)(A). A modification of the post-closure care plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Agency would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.
- h) The Agency procedures described in Sections 725.212 through 725.219 are in the nature of permit amendments. Amendment of refusal to amend the plan is a

permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. The Agency shall not amend permits in such a manner so that the permit would not conform with Board regulations.

- i) If any person seeks a closure or post-closure care plan which would not conform with Board regulations, such person shall file a site-specific rulemaking petition pursuant to 35 Ill. Adm. Code 102 or a variance petition pursuant to 35 Ill. Adm. Code 104.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 725.221 Alternative Post-Closure Care Requirements

a) An owner or operator that is subject to the requirement to obtain a post-closure care permit under 35 Ill. Adm. Code 703.Subpart B but which obtain an enforceable document in lieu of a post-closure permit, as provided in 35 Ill. Adm. Code 703.161, shall comply with the following requirements:

- 1) The requirements to submit information about the facility in 35 Ill. Adm. Code 703.214;
- 2) The requirements for facility-wide corrective action in 35 Ill. Adm. Code 724.201; and
- 3) The requirements of 35 Ill. Adm. Code 724.191 through 724.200.

b) Implementation of Alternative Requirements.

1) Public notice, public comments, and public hearing.

A) In establishing alternative requirements in an enforceable document in lieu of a permit under this Section, the Board will assure a meaningful opportunity for public involvement that, at a minimum, includes public notice and opportunity for public comment, as provided under the relevant provisions of the Act:

- i) For a site-specific rulemaking, in Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].
- ii) For an adjusted standard, in Section 28.1 of the Act [415 ILCS 5/28.1].
- iii) For a variance, in Sections 35 through 38 of the Act [415 ILCS 5/35 through 38].

- iv) For an order issued pursuant to Section 33(a) of the Act [415 ILCS 5/33(a)], in Sections 31, 32, and 33 of the Act [415 ILCS 5/31, 32, and 33].
- B) When an owner or operator submits a plan to the Agency pursuant to an appropriate statutory or regulatory authority, the Agency shall provide public notice and an opportunity for public hearing on the plan according to the requirements of 35 Ill. Adm. Code 705.Subparts D and E as follows:
- i) When the Agency becomes involved in remedial action at the facility under regulations or in an enforcement action;
- ii) On the proposed preferred remedy and on the assumptions on which the remedy is based, especially those relating to land use and site characterization; and
- iii) At the time of a proposed decision that remedial action is complete at the facility.
- C) The requirements of subsection (b)(1)(B) of this Section must be met before the Agency may consider that the facility owner or operator has met the requirements of 35 Ill. Adm. Code 703.161, unless the facility qualifies for a modification to these public participation requirements under either of subsections (b)(2) or (b)(3) of this Section.
- 2) If the Agency determines that even a short delay in the implementation of a remedy would adversely affect human health or the environment, the Agency may delay compliance with the requirements of subsection (b)(1)(B) of this Section and immediately implement the remedy. However, the Agency shall assure involvement of the public at the earliest opportunity and, in all cases, upon making the decision that additional remedial action is not needed at the facility.
- 3) The Agency may allow a remediation initiated prior to August 6, 1999 to substitute for corrective action required under a post-closure care permit even if the public involvement requirements of subsection (b)(1)(B) of this Section have not been met so long as the Agency assures that notice and comment on the decision that no further remediation is necessary to adequately protect human health and the environment takes place at the earliest reasonable opportunity after August 6, 1999.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: FINANCIAL REQUIREMENTS

## Section 725.240      Applicability

- a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.
- b) The requirements of ~~Section~~Sections 725.244 and 725.246 apply only to owners and operators of any of the following:
  - 1) Disposal facilities;~~or~~
  - 2) Tank systems that are required under Section 725.297 to meet the requirements for landfills; or
  - 3) Containment buildings that are required under Section 725.1102 to meet the requirements for landfills;.
- c) States and the Federal Government are exempt from the requirements of this Subpart.
- d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of Subpart H of this Part applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:
  - 1) The Board or Agency has established alternative requirements for the regulated unit established under Section 725.190(f) or Section 724.210(d); and
  - 2) The Board or Agency determines that it is not necessary to apply the financial assurance requirements of Subpart H of this Part because the alternative financial assurance requirements will protect human health and the environment.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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 C: RECYCLABLE MATERIALS USED IN A MANNER  
CONSTITUTING DISPOSAL

Section	
726.120	Applicability
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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)
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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 (Repealed)

Section	
726.140	Applicability (Repealed)
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  
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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

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726.Appendix K	Lead-Bearing Materials That May be Processed in Exempt Lead Smelters
726.Appendix L	Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces
726.Appendix M	Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units
726.Table A	Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 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. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART G: SPENT LEAD-ACID BATTERIES BEING RECLAIMED

### Section 726.180 Applicability and requirements

- a) ~~The regulations of this Subpart apply to a person that reclaims (including regeneration) spent lead acid batteries that are recyclable materials ("spent batteries"). A person that generates, transports, or collects spent batteries or that stores spent batteries (other than spent batteries that are to be regenerated), but one that does not reclaim the batteries, is not subject to regulation under 35 Ill. Adm. Code 722 through 726 or 35 Ill. Adm. Code 702, 703, or 705, and also are not subject to the requirements of Section 3010 of the Resource Conservation and Recovery Act.~~
- a) Are spent lead-acid batteries exempt 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. Use the following table to determine 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.

<u>If the batteries . . .</u>	<u>And if an owner or operator . . .</u>	<u>Then an owner or operator . . .</u>	<u>And an owner or operator . . .</u>
<u>(1) Will be reclaimed through regeneration (such as by electrolyte replacement)</u>		<u>is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, 728, and the notification requirements at section 3010 of RCRA</u>	<u>is subject to 35 Ill. Adm. Code 721 and 722.111</u>
<u>(2) Will be reclaimed other than through regeneration</u>	<u>generates, collects, or transports these batteries</u>	<u>is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA</u>	<u>is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728</u>
<u>(3) Will be reclaimed other than through regeneration</u>	<u>stores these batteries but the owner or operator is not the reclaimer</u>	<u>is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA</u>	<u>is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728</u>



<u>(4) Will be reclaimed other than through regeneration</u>	<u>stores these batteries before the owner or operator reclaims them</u>	<u>shall comply with 35 Ill. Adm. Code 726.180(b) and, as appropriate, other regulatory provisions described in 35 Ill. Adm. Code 726.180(b)</u>	<u>is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728</u>
<u>(5) Will be reclaimed other than through regeneration</u>	<u>does not store these batteries before the owner or operator reclaims them</u>	<u>is exempt from 35 Ill. Adm. Code 702, 703, 705, 722 (except for 35 Ill. Adm. Code 722.111), 723, 724, 725, 726, and the notification requirements at section 3010 of RCRA</u>	<u>is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728</u>

~~b) Owners or operators of facilities that store spent batteries before reclaiming the batteries (other than spent batteries that are to be regenerated) are subject to the following requirements.~~

b) If an owner or operator stores spent lead-acid batteries before it reclaims them but not through regeneration, which requirements apply? The requirements of subsection (b) of this Section apply to an owner or operator if the owner or operator stores spent lead-acid batteries before it reclaims them, but 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 shall comply with the following requirements:

~~1A) Notification~~ The notification requirements under Section 3010 of the Resource Conservation and Recovery Act; (RCRA).

~~2) All applicable provisions in 35 Ill. Adm. Code 724. Subparts A, B (but not 35 Ill. Adm. Code 724.113 (waste analysis)), C, D, E (but not 35 Ill. Adm. Code 724.171 or 724.172 dealing with the use of the manifest and manifest discrepancies), and F through L;~~

~~3) All applicable provisions in 35 Ill. Adm. Code 725. Subparts A, B (but not 35 Ill. Adm. Code 725.113 (waste analysis)), C, D, E (but not 35 Ill. Adm.~~

~~Code 725.171 and 725.172 dealing with the use of the manifest and manifest discrepancies), and F through L;~~

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

C) All applicable provisions in 35 Ill. Adm. Code 725.Subpart A except 35 Ill. Adm. Code 725.113 (waste analysis).

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

E) All applicable provisions in 35 Ill. Adm. Code 725.Subpart E 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 35 Ill. Adm. Code 725.Subparts F through L.

4G) All applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.

2) For a permitted facility, the following requirements:

A) The notification requirements under section 3010 of RCRA.

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

C) All applicable provisions in 35 Ill. Adm. Code 724.Subpart B (but not 35 Ill. Adm. Code 724.113 (waste analysis)).

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

E) All applicable provisions in 35 Ill. Adm. Code 724.Subpart E (but not 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies)).

F) All applicable provisions in 35 Ill. Adm. Code 724.Subparts F through L.

G) All applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.

~~e) Spent lead-acid batteries that are not managed under this Part, are subject to management under 35 Ill. Adm. Code 733.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS AND  
INDUSTRIAL FURNACES

Section 726.200      Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), and (f) ~~below of this Section~~. In this Subpart, the term “burn” means burning for energy recovery or destruction or processing for materials recovery or as an ingredient. The emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.
  
- b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:
  - 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
  
  - 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
  
  - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and ~~721.106(a)(3)(D) through (a)(3)(F)~~ 721.106(a)(3)(C) and (a)(3)(D) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
  
  - 4) Coke ovens, if the only hazardous waste burned is ~~U.S. EPA~~ USEPA hazardous waste no. K087 decanter tank tar sludge from coking operations.
  
- c) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.
  - 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace shall

comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) ~~below~~ of this Section:

- A) Provide a one-time written notice to the Agency indicating the following:
    - i) The owner or operator claims exemption under this subsection;
    - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) ~~below~~ of this Section;
    - iii) The hazardous waste contains recoverable levels of metals; and
    - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;
  
  - B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
  
  - C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal ~~nonhazardous~~ non-hazardous waste feedstocks.
- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:
- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721. Appendix H exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that

removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C)~~-above~~ of this Section; or

- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C)~~-above~~ of this Section.
- 3) To be exempt from Sections 726.202 through 726.211, an owner or operator of a lead, nickel-chromium, or mercury recovery furnace or a metal recovery furnace that burns ~~a~~ baghouse bags used to capture metallic dusts emitted by steel manufacturing ~~must~~ shall provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1)~~-above~~ of this Section. The owner or operator shall comply with the requirements of subsection (c)(1)~~-above~~ of this Section for those wastes claimed to be exempt under that subsection and with the following requirements for those wastes claimed to be exempt under this subsection:
- A) The hazardous wastes listed in ~~Sections 726.~~ Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1)~~-above~~ of this Section, provided that:
- i) A waste listed in ~~Section 726-~~Appendix K of this Part must contain recoverable levels of lead; a waste listed in ~~Section 726-~~Appendix L of this Part must contain recoverable levels of nickel or chromium, a waste listed in ~~Section 726-~~Appendix M of this Part must contain recoverable levels of mercury and contain less ~~that~~ than 500 ppm of 35 Ill. Adm. Code 261.Appendix H organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;
  - ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;
  - iii) The waste is not a hazardous waste listed in 35 Ill. Adm.

Code 721.Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.Appendix G; and

- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) ~~above~~ of this Section and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B) ~~above~~ of this Section, and records to document compliance with subsection (c)(3) ~~above~~ of this Section must be kept for at least three years.
- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in ~~Section 726~~.Appendix K, ~~726~~.Appendix L, or ~~726~~.Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:
- i) The concentration and toxicity of organic constituents in the material;
  - ii) The level of destruction of toxic organic constituents provided by the furnace; and
  - iii) Whether the acceptable ambient levels established in ~~Section 726~~.Appendix D or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- d) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
  - e) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.

f) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from ~~regulation~~ regulation under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:

- 1) Provide a one-time written notice to the Agency indicating the following:
  - A) The owner or operator claims exemption under this Section,
  - B) The hazardous waste is burned for legitimate recovery of precious metal, and
  - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
- 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

“APCS” means air pollution control system.

“BIF” means boiler or industrial furnace.

“Carcinogenic metals” means arsenic, beryllium, cadmium, and chromium.

“CO” means carbon monoxide.

“Continuous monitor” is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at

least every 60 seconds.

“DRE” means destruction or removal efficiency.

“cu m” or “m<sup>3</sup>” means cubic meters.

“E” means “ten to the power”. For example, “XE-Y” means “X times ten to the -Y power”.

“Feed rates” are measured as specified in Section 726.202(e)(6).

“Good engineering practice stack height” is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

“HC” means hydrocarbon.

“HCl” means hydrogen chloride gas.

“Hourly rolling average” means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

“K” means Kelvin.

“kVA” means kilovolt amperes.

“MEI” means maximum exposed individual.

“MEI location” means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

“Noncarcinogenic metals” means antimony, barium, lead, mercury, thallium, and silver.

“One hour block average” means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

“PIC” means product of incomplete combustion.

“PM” means particulate matter.

“POHC” means principal organic hazardous constituent.

“ppmv” means parts per million by volume.



“QA/QC” means quality assurance and quality control.

“Rolling average for the selected averaging period” means the arithmetic mean of one hour block averages for the averaging period.

“RAC” means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in ~~Section 726-~~Appendix D of this Part.

“RSD” means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in ~~Section 726-~~Appendix E of this Part.

“SSU” means “Saybolt Seconds Universal”, a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

“TCLP test” means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

“TESH” means terrain-adjusted effective stack height (in meters).

“Tier I”. See Section 726.206(b).

“Tier II”. See Section 726.206(c).

“Tier III”. See Section 726.206(d).

“Toxicity equivalence” is estimated, pursuant to Section 726.204(e), using “Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners” in ~~Section 726-~~Appendix I of this Part.

“mg” means microgram.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 728  
LAND DISPOSAL RESTRICTIONS

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

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

### Section 728.102 Definitions

When used in this Part, the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

“Agency” means the Illinois Environmental Protection Agency.

“Board” means the Illinois Pollution Control Board.

“CERCLA” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

“Debris” means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume,

based on visual inspection.

“End-of-pipe” refers to the point where effluent is discharged to the environment.

“Halogenated organic compounds” or “HOCs” means those compounds having a carbon-halogen bond that are listed under ~~Section 728.~~Appendix C of this Part.

“Hazardous constituent or constituents” means those constituents listed in 35 Ill. Adm. Code 721. Appendix H.

“Hazardous debris” means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

“Inorganic metal-bearing waste” is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in ~~Section 728.~~Appendix K of this Part.

~~“Inorganic solid debris” are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:~~

~~Metal slags (either dross or scoria).~~

~~Classified slag.~~

~~Glass.~~

~~Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).~~

~~Masonry and refractory bricks.~~

~~Metal cans, containers, drums, or tanks.~~

~~Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment.~~

~~Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).~~

“Land disposal” means placement in or on the land, except in a corrective action management unit or staging pile, and “land disposal” includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine, or cave, or placement in a concrete vault or bunker intended for disposal purposes.

“Nonwastewaters” are wastes that do not meet the criteria for “wastewaters” in this Section.

“Polychlorinated biphenyls” or “PCBs” are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

“ppm” means parts per million.

“RCRA corrective action” means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

“Soil” means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the U.S. ~~Soil~~ Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

“Stormwater impoundments” are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

“Underlying hazardous constituent” means any constituent listed in Table U of this Part, “Universal Treatment Standards (UTS)”, except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

~~“U.S. EPA” or “USEPA”~~ “U.S. EPA” means the United States Environmental Protection Agency.

“Wastewaters” are wastes that contain less than 1 percent by weight total organic carbon (TOC) and less than 1 percent by weight total suspended solids (TSS).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.107      Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a)      Requirements for generators:

- 1)      A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T of this Part, and are described in detail in Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.
- 2)      If the waste or contaminated soil does not meet the treatment standard, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator shall place a copy of the one-time notice in the file. The notice must include the information in column “728.107(a)(2)” of the Generator Paperwork Requirements Table in Table I of this Part. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator’s file.

- A) For contaminated soil, the following certification statement should be included, signed by an authorized representative:

I certify under penalty of law that I personally have examined this contaminated soil and it (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

- B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked “reserved” by USEPA. This statement maintains structural consistency with USEPA rules.

- 3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

- A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column “728.107(a)(3)” of the Generator Paperwork Requirements Table in Table I of this Part and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed “(a)(3)” in Table I of this Part.

- 4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to



be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I of this Part. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in its file.

- 5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:
  - A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;
  - B) Such plan must be kept in the facility's on-site files and made available to inspectors; and
  - C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.
- 6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be retained on-site in the generator's files.

- 7) If a generator determines that it is managing a prohibited waste which is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA, as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.
- 8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.
- 9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator shall fulfill the following conditions:
  - A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728.Appendix D and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab

packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.
  - C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.
  - D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.
- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.
- b) The owner or operator of a treatment facility shall test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.
    - 1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCLP), the owner or operator of the treatment facility shall test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, to assure that the treatment residues extract meets the applicable treatment standards.
    - 2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

- 3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.
- A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.
- B) The one-time notice must include the requirements indicated in the following table:

Treatment Facility Paperwork Requirements Table

Required information	Section 728.107(b)
1. USEPA hazardous waste number and manifest number of first shipment.	✓
2. The waste is subject to the LDRs. The constituents of concern for F001 through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.	✓
3. The notice must include the applicable wastewater/ nonwastewater category (see Section Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide).	✓
4. Waste analysis data (when available).	✓
5. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c).	✓

6. A certification ~~statement~~ is needed (see applicable section for exact wording). ✓

- 4) The owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.
- B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology listed in Table F of this Part and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4).
- C) For wastes with organic constituents having treatment standards

expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in 35 Ill. Adm. Code 728.Table C. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those expressed as a required method of treatment) ~~that are reasonably expected to~~ or Section 728.149 and which contain underlying hazardous constituents as defined in 35 Ill. Adm. Code 728.102(i); ~~that if these wastes are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents,~~ the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet ~~universal~~ treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes that contain underlying hazardous constituents as defined in Section 728.102(i) that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Section 728.148 and Table U of this Part universal treatment standards, the certification must

state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i) have been treated on-site to meet the 35 Ill. Adm. Code 728.148 and Table U of that Part universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
  - 6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)((3)) of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)((4)) of this Section and a notice that includes the information listed in subsection (b)((3)) of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.
- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:
- 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.
  - 2) Test the waste or an extract of the waste or treatment residue developed using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111), to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the

facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
  - 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.
- d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:
- 1) A one-time notification must be submitted to the Agency including the following information:
    - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
    - B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
    - C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Table F of this Part used to treat the debris.
  - 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
  - 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify



compliance with the treatment standards of Table F of this Part, as follows:

- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and generators and treaters that first determine that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste shall do the following:
  - 1) Prepare a one-time only documentation of these determinations including all supporting information; and
  - 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.Subpart C where the

waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) of this Section. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of Section 728. Table C), the generator shall determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) of this Section. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.
  - 1) The notification must include the following information:
    - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
    - B) A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability group(s), and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all

underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4) ~~4~~. If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.
- 3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.148 and 728.Table U for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 738.101(d), the following information must also be included:
  - A) A description of the pollution prevention mechanism and when it was implemented if already complete;
  - B) The mass of each underlying hazardous constituent before pollution prevention;
  - C) The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and
  - D) The mass reduction of each underlying hazardous constituent that is achieved.
- e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and 728.Table D must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 years.
- f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.
- g) For a characteristic waste whose ultimate disposal will be into a Class I

nonhazardous waste injection well that qualifies for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.139 Waste-Specific Prohibitions: ~~End-of-pipe CWA, CWA Equivalent, and Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes~~

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste numbers K156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702, 704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see Section 728.140)).
- c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.
- d) ~~Effective April 8, 1998, radioactive~~ Radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- e) ~~Until April 8, 1998, the wastes included in subsections (a), (b), (c), and (d) of~~

~~this Section may be disposed in a landfill or surface impoundment only if such unit complies with the requirements of Section 728.105(h)(2). This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural parity with the federal regulations.~~

- f) The requirements of subsections (a), (b), (c), and (d) of this Section do not apply if:
- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
  - 2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
  - 3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or
  - 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator ~~must~~ shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable 728.Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART D: TREATMENT STANDARDS

##### Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in ~~that Section~~ Table. For each waste, Table T of this Part identifies one of three types of treatment standard requirements:
- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in ~~that Section~~ Table T of this Part for

- that waste (“total waste standards”);
- 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in ~~that Section~~ Table T of this Part (“waste extract standards”); or
  - 3) The waste must be treated using the technology specified in ~~that Section~~ Table T of this Part (“technology standard”), which is described in detail in Table C of this Part, “Technology Codes and Description of Technology-Based Standards”.
- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA Publication SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, USEPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).
- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.
- d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T of this Part, provided the following conditions are satisfied:
- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
  - 2) The treatment or disposal facility has used the methods referenced in

subsection (d)(1) of this Section to treat the organic constituents; and

- 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Table T of this Part by an order of magnitude.
- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T of this Part, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I ~~nonhazardous~~ non-hazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102(i)) must meet the universal treatment standards, set forth in Table U of this Part prior to land disposal, as defined in Section 728.102(e).
  - f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.
  - g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.
  - h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.
  - i) ~~Zinc-containing~~ Zinc micronutrient fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to the applicable treatment standards set forth in 40 CFR 268.41 (1990), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to stay the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers while it develops a more comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LDR standards to the affected materials.

- j) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, P197, U364, U394, and U395 may be satisfied by either meeting the constituent concentrations presented in Table T of this Part, "Treatment Standards for Hazardous Wastes," or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters, and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST at Table C, for wastewaters.

BOARD NOTE: USEPA added a second 40 CFR 268.40(i) at 63 Fed. Reg. 46415 (Sep. 4, 1998) to indefinitely extend the alternative treatment standards for seven carbamate wastes. The Board has incorporated this later-adopted duplicate subsection (i) as subsection (j).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator shall comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	—	Must comply with LDRs.



Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Do not apply to the listed waste now.	—	Needs not comply with LDRs.

\* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

- b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.
- c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.
- 1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:
    - A) For non-metals, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.
    - B) For metals, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated

media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.

- C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U of this Part.
- 2) Soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.
  - 3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:
    - A) For soil that ~~also contains~~ only analyzable and nonanalyzable organic constituents, treatment of ~~those the~~ analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or
    - B) For soil that contains only nonanalyzable constituents, treatment by the ~~method~~ methods specified in Section 728.142 for the waste contained in the soil.
  - d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium and zinc, and are present at concentrations greater than ten times the universal treatment standard.
  - e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:
    - 1) Soil residuals are subject to the treatment standards of this Section;
    - 2) Non-soil residuals are subject to the following requirements:

- A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and
- B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART E: PROHIBITIONS ON STORAGE

##### Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C of this Part is prohibited, unless the following conditions are met:
  - 1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator ~~who~~that is in existence on the effective date of a regulation under this Part and ~~who~~which must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and ~~must~~shall obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153.)
  - 2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or ~~containment~~containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and; each of the following conditions are fulfilled:
    - A) Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
    - B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and

maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

- 3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.
- b) An owner or operator of a treatment, storage, or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- c) An owner or operator of a treatment, storage, or disposal facility may store wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.
- d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in Section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 268, Subpart C), the prohibition in subsection (a) does not apply during the period of such exemption.
- e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.
- f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) ~~above~~ of this Section do not apply to such PCB wastes prohibited under Section 728.132.
- g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 728. Table I Generator Paperwork Requirements

Required information	Subsection of Section 728.107 under Which the Paperwork is Required:			
	(a)(2)	(a)(3)	(a)(4)	(a)(9)
1. USEPA hazardous waste <u>numbers</u> and manifest number of first shipment	✓	✓	✓	✓
2. Statement: this waste is not prohibited from land disposal			✓	
3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice	✓	<u>✓</u>		
4. The notice must include the applicable wastewater/ nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)	✓	✓		
5. Waste analysis data (when available)	✓	✓	✓	
6. Date the waste is subject to the prohibition			✓	
7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145	✓		✓	

8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards

✓                    ✓

9. A certification is needed (see applicable subsection for exact wording)

✓                    ✓

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (1997), as amended at 63 Fed. Reg. 28639 (May 26, 1998).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 728. Table T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

#### Waste Code

#### Waste Description and Treatment or Regulatory Subcategory<sup>1</sup>

Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
	Concentration in mg/l <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l TCLP"; or Technology Code <sup>4</sup>
Common Name	CAS <sup>2</sup> Number	
D001 <sup>9</sup> Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.	NA	DEACT and meet Section 728.148 standards; <sup>8</sup> or RORGS; or CMBST
		DEACT and meet Section 728.148 standards; <sup>8</sup> or RORGS; or CMBST

#### D001<sup>9</sup>

High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code

721.121(a)(1) - Greater than or equal to 10 percent total organic carbon.  
(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	RORGS; CMBST; or POLYM
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D002<sup>9</sup>

Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards <sup>8</sup>	DEACT and meet Section 728.148 standards <sup>8</sup>
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D002, D004, D005, D006, D007, D008, D009, D010, D011

Radioactive high level wastes generated during the reprocessing of fuel rods.

(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003<sup>9</sup>

Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT
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D003<sup>9</sup>

Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards <sup>8</sup>	DEACT and meet Section 728.148 standards <sup>8</sup>
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D003<sup>9</sup>

Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT
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D003<sup>9</sup>

Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards <sup>8</sup>	DEACT and meet Section 728.148 standards <sup>8</sup>
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D003<sup>9</sup>

Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).  
(Note: This subcategory consists of nonwastewaters only.)

NA	NA	NA	DEACT and meet Section 728.148 standards <sup>8</sup>
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D003<sup>9</sup>

Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

Cyanides (Total) <sup>7</sup>	57-12-5	--	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

D004<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Arsenic	7440-38-2	1.4 and meet Section 728.148 standards <sup>8</sup>	5.0 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D005<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Barium	7440-39-3	1.2 and meet Section 728.148 standards <sup>8</sup>	21 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D006<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cadmium	7440-43-9	0.69 and meet Section 728.148 standards <sup>8</sup>	0.11 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D006<sup>9</sup>

Cadmium-Containing Batteries Subcategory

(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM
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D007<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chromium (Total)	7440-47-3	2.77 and meet Section 728.148 standards <sup>8</sup>	0.60 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D008<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Lead	7439-92-1	0.69 and meet Section 728.148 standards <sup>8</sup>	0.75 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D008<sup>9</sup>

## Lead Acid Batteries Subcategory

(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	RLEAD
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D008<sup>9</sup>

## Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead	7439-92-1	NA	MACRO
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D009<sup>9</sup>

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury	7439-97-6	NA	IMERC; or RMERC
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D009<sup>9</sup>

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury	7439-97-6	NA	RMERC
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D009<sup>9</sup>

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.20 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D009<sup>9</sup>

All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)

Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D009<sup>9</sup>

All D009 wastewaters.

Mercury	7439-97-6	0.15 and meet Section 728.148 standards <sup>8</sup>	NA
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D009<sup>9</sup>

Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	AMLGM
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D009<sup>9</sup>

Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)

Mercury	7439-97-6	NA	IMERC
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D010<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Selenium	7782-49-2	0.82	5.7 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D011<sup>9</sup>

Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Silver	7440-22-4	0.43	0.14 mg/l TCLP and meet Section 728.148 standards <sup>8</sup>
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D012<sup>9</sup>

Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Endrin	72-20-8	BIODG; or CMBST	0.13 and meet Section 728.148 standards <sup>8</sup>
Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet Section 728.148 standards <sup>8</sup>

D013<sup>9</sup>

Wastes that are TC for Lindane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

$\alpha$ -BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards <sup>8</sup>
$\beta$ -BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards <sup>8</sup>
$\delta$ -BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards <sup>8</sup>
$\chi$ -BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards <sup>8</sup>

D014<sup>9</sup>

Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards <sup>8</sup>
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D015<sup>9</sup>

Wastes that are TC for Toxaphene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards <sup>8</sup>
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D016<sup>9</sup>

Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4-D (2,4-Dichlorophenoxy- acetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards <sup>8</sup>
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D017<sup>9</sup>

Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards <sup>8</sup>
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D018<sup>9</sup>

Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Benzene	71-43-2	0.14 and meet Section 728.148 standards <sup>8</sup>	10 and meet Section 728.148 standards <sup>8</sup>
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D019<sup>9</sup>

Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards <sup>8</sup>	6.0 and meet Section 728.148 standards <sup>8</sup>
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D020<sup>9</sup>

Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chlordane ( $\alpha$ and $\chi$ isomers)	57-74-9	0.0033 and meet Section 728.148 standards <sup>8</sup>	0.26 and meet Section 728.148 standards <sup>8</sup>
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D021<sup>9</sup>

Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards <sup>8</sup>	6.0 and meet Section 728.148 standards <sup>8</sup>
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D022<sup>9</sup>

Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chloroform	67-66-3	0.046 and meet Section 728.148 standards <sup>8</sup>	6.0 and meet Section 728.148 standards <sup>8</sup>
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D023<sup>9</sup>

Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

o-Cresol	95-48-7	0.11 and meet Section 728.148 standards <sup>8</sup>	5.6 and meet Section 728.148 standards <sup>8</sup>
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D024<sup>9</sup>

Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards <sup>8</sup>	5.6 and meet Section 728.148 standards <sup>8</sup>
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D025<sup>9</sup>

Wastes that are TC for p-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148 standards <sup>8</sup>	5.6 and meet Section 728.148 standards <sup>8</sup>
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D026<sup>9</sup>

Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards <sup>8</sup>	11.2 and meet Section 728.148 standards <sup>8</sup>
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D027<sup>9</sup>

Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching

procedure (TCLP) in SW-846 Method 1311.  
p-Dichlorobenzene (1,4-Dichlorobenzene)

106-46-7

0.090 and meet  
Section 728.148  
standards<sup>8</sup>

6.0 and meet  
Section 728.148  
standards<sup>8</sup>

D028<sup>9</sup>

Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

1,2-Dichloroethane

107-06-2

0.21 and meet  
Section 728.148  
standards<sup>8</sup>

6.0 and meet  
Section 728.148  
standards<sup>8</sup>

D029<sup>9</sup>

Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

1,1-Dichloroethylene

75-35-4

0.025 and meet  
Section 728.148  
standards<sup>8</sup>

6.0 and meet  
Section 728.148  
standards<sup>8</sup>

D030<sup>9</sup>

Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4-Dinitrotoluene

121-14-2

0.32 and meet  
Section 728.148  
standards<sup>8</sup>

140 and meet  
Section 728.148  
standards<sup>8</sup>

D031<sup>9</sup>

Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Heptachlor

76-44-8

0.0012 and meet  
Section 728.148  
standards<sup>8</sup>

0.066 and meet  
Section 728.148  
standards<sup>8</sup>

Heptachlor epoxide

1024-57-3

0.016 and meet  
Section 728.148  
standards<sup>8</sup>

0.066 and meet  
Section 728.148  
standards<sup>8</sup>

D032<sup>9</sup>

Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Hexachlorobenzene

118-74-1

0.055 and meet  
Section 728.148  
standards<sup>8</sup>

10 and meet  
Section 728.148  
standards<sup>8</sup>

D033<sup>9</sup>

Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching

procedure (TCLP) in SW-846 Method 1311.

Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards <sup>8</sup>	5.6 and meet Section 728.148 standards <sup>8</sup>
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D034<sup>9</sup>

Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards <sup>8</sup>	30 and meet Section 728.148 standards <sup>8</sup>
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D035<sup>9</sup>

Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards <sup>8</sup>	36 and meet Section 728.148 standards <sup>8</sup>
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D036<sup>9</sup>

Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards <sup>8</sup>	14 and meet Section 728.148 standards <sup>8</sup>
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D037<sup>9</sup>

Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards <sup>8</sup>	7.4 and meet Section 728.148 standards <sup>8</sup>
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D038<sup>9</sup>

Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Pyridine	110-86-1	0.014 and meet Section 728.148 standards <sup>8</sup>	16 and meet Section 728.148 standards <sup>8</sup>
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D039<sup>9</sup>

Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards <sup>8</sup>	6.0 and meet Section 728.148 standards <sup>8</sup>
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D040<sup>9</sup>

Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards <sup>8</sup>	6.0 and meet Section 728.148 standards <sup>8</sup>
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D041<sup>9</sup>

Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards <sup>8</sup>	7.4 and meet Section 728.148 standards <sup>8</sup>
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D042<sup>9</sup>

Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards <sup>8</sup>	7.4 and meet Section 728.148 standards <sup>8</sup>
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D043<sup>9</sup>

Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards <sup>8</sup>	6.0 and meet Section 728.148 standards <sup>8</sup>
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## F001, F002, F003, F004 &amp; F005

F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene, trichloromono-fluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cresol-mixed isomers (Cresylic acid)	1319-77-3	0.88	11.2
(sum of o-, m-, and p-cresol concentrations)			
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30

Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

## F001, F002, F003, F004 &amp; F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))

Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
Methanol	67-56-1	5.6	0.75 mg/l TCLP

## F001, F002, F003, F004 &amp; F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## F001, F002, F003, F004 &amp; F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST
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## F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

## F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590

Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

## F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

## F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

## F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	NA

## F011

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

## F012

Quenching wastewater treatment sludges from metal heat treating operations where cyanides

are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

#### F019

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

#### F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
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## F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST <sup>11</sup>	CMBST <sup>11</sup>
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	30
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28
Hexachloroethane	67-72-1	0.055	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

## F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025--Light Ends Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

## F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10

Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

## F027

Discarded unused formulations ~~containing~~ containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

## F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001

2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

## F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-4-Dimethyl phenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
Hexachlorodibenzofurans	NA	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
Pentachlorodibenzofurans	NA	0.000035 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Tetrachlorodibenzo-p-dioxins	NA	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>

Tetrachlorodibenzofurans	NA	0.000063 or CMBST <sup>11</sup>	0.001 or CMBST <sup>11</sup>
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

## F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

## F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

## F037

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process



wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks, and impoundments; ditches, and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in ~~agressive~~-~~aggressive~~ biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in ~~agressive~~-~~aggressive~~ biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

### F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks, and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in ~~agressive~~-~~aggressive~~ biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in ~~agressive~~-~~aggressive~~ biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
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Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
$\alpha$ -BHC	319-84-6	0.00014	0.066
$\beta$ -BHC	319-85-7	0.00014	0.066
$\delta$ -BHC	319-86-8	0.023	0.066
$\chi$ -BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4

Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane ( $\alpha$ and $\chi$ isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15

Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxy-acetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA

1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrilene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloro-aniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160

Methyl methanesulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA

## K001

Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.

Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2

Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K002

Wastewater treatment sludge from the production of chrome yellow and orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K003

Wastewater treatment sludge from the production of molybdate orange pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K004

Wastewater treatment sludge from the production of zinc yellow pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K005

Wastewater treatment sludge from the production of chrome green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590

## K006

Wastewater treatment sludge from the production of chrome oxide green pigments  
(anhydrous).

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K006

Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA

## K007

Wastewater treatment sludge from the production of iron blue pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590



## K008

Oven residue from the production of chrome oxide green pigments.

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K009

Distillation bottoms from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0
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## K010

Distillation side cuts from the production of acetaldehyde from ethylene.

Chloroform	67-66-3	0.046	6.0
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## K011

Bottom stream from the wastewater stripper in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

## K013

Bottom stream from the acetonitrile column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

## K014

Bottoms from the acetonitrile purification column in the production of acrylonitrile.

Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

## K015

Still bottoms from the distillation of benzyl chloride.

Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8

Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

## K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

## K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30

## K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

## K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

## K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

## K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	1.15 mg/l TCLP

## K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3	0.080	10
Acetophenone	96-86-2	0.010	9.7
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

## K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
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## K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
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## K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBST	CMBST
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## K027

Centrifuge and distillation residues from the toluene diisocyanate production.

NA	NA	CARBN; or CMBST	CMBST
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## K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium(Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP

## K029

Waste from the product steam stripper in the production of 1,1,1-trichloroethane.

Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

## K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

## K031

By-product salts generated in the production of MSMA and cacodylic acid.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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## K032

Wastewater treatment sludge from the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane ( $\alpha$ and $\chi$ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066

## K033

Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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## K034

Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.

Hexachlorocyclopentadiene	77-47-4	0.057	2.4
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## K035

Wastewater treatment sludges generated in the production of creosote.

Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6

p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2

## K036

Still bottoms from toluene reclamation distillation in the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
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## K037

Wastewater treatment sludges from the production of disulfoton.

Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10

## K038

Wastewater from the washing and stripping of phorate production.

Phorate	298-02-2	0.021	4.6
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## K039

Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.

NA	NA	CARBN; or CMBST	CMBST
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## K040

Wastewater treatment sludge from the production of phorate.

Phorate	298-02-2	0.021	4.6
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## K041

Wastewater treatment sludge from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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## K042

Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.

o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14

1,2,4-Trichlorobenzene	120-82-1	0.055	19
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## K043

2,6-Dichlorophenol waste from the production of 2,4-D.

2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001

## K044

Wastewater treatment sludges from the manufacturing and processing of explosives.

NA	NA	DEACT	DEACT
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## K045

Spent carbon from the treatment of wastewater containing explosives.

NA	NA	DEACT	DEACT
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## K046

Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.75 mg/l TCLP
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## K047

Pink or red water from TNT operations.

NA	NA	DEACT	DEACT
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## K048

Dissolved air flotation (DAF) float from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4

bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2



Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## K052

Tank bottoms (leaded) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

## K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590

## K061

Emission control dust or sludge from the primary production of steel in electric furnaces.

Antimony	7440-36-0	NA	1.15 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	21 mg/l TCLP
Beryllium	7440-41-7	NA	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	NA	5.7 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
Thallium	7440-28-0	NA	0.20 mg/l TCLP
Zinc	7440-66-6	NA	4.3 mg/l TCLP

## K062

Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	NA

## K069

Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead)  
Subcategory

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
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Lead	7439-92-1	0.69	0.75 mg/l TCLP
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## K069

Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory

NA	NA	NA	RLEAD
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## K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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## K071

K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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## K071

All K071 wastewaters.

Mercury	7439-97-6	0.15	NA
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## K073

Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

## K083

Distillation bottoms from aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
Cyclohexanone	108-94-1	0.36	NA
Diphenylamine	122-39-4	0.92	13
(difficult to distinguish from diphenylnitrosamine)			
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Nickel	7440-02-0	3.98	11 mg/l TCLP

## K084

Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
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## K085

Distillation or fractionation column bottoms from the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19

## K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0

Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	<del>5.0</del> 26.1 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Cyanide (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanide (Amenable) <sup>7</sup>	57-12-5	0.86	30
Fluoride	16984-48-8	35	48 mg/l TCLP

## K093

Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

## K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

## K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

## K097

Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.

Chlordane ( $\alpha$ and $\chi$ isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

## K098

Untreated process wastewater from the production of toxaphene.

Toxaphene	8001-35-2	0.0095	2.6
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## K099

Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001

## K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

## K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

## K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2

## K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	14
Benzene	71-43-2	0.14	10
2,4-Dinitrophenol	51-28-5	0.12	160
Nitrobenzene	98-95-3	0.068	14
Phenol	108-95-2	0.039	6.2
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590

## K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	10
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

## K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC
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## K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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## K106

Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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## K106

All K106 wastewaters.

Mercury	7439-97-6	0.15	NA
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## K107

Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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## K108

Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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## K109

Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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## K110

Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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## K111

Product washwaters from the production of dinitrotoluene via nitration of toluene

2,4-Dinitrotoluene	121-1-1	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28

## K112

Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
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## K113

Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST
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## K114

Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

NA	NA	CARBN; or CMBST	CMBST
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## K115

Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.

Nickel	7440-02-0	3.98	11 mg/l TCLP
NA	NA	CARBN; or CMBST	CMBST

## K116

Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.

NA	NA	CARBN; or CMBST	CMBST
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## K117

Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo- methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

## K118

Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo- methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

## K123

Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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## K124

Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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## K125

Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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## K126

Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.

NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
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## K131

Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.

Methyl bromide (Bromo- methane)	74-83-9	0.11	15
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## K132

Spent absorbent and wastewater separator solids from the production of methyl bromide.

Methyl bromide (Bromo- methane)	74-83-9	0.11	15
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## K136

Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo- methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene dibromide (1,2- Dibromoethane)	106-93-4	0.028	15

## K140

Floor sweepings, off-specification product, and spent filter media from the production of 2,4,6-tribromophenol.

2,4,6-Tribromophenol	118-79-6	0.035	7.4
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## K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

## K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

## K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8

Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4

## K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

## K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

## K147

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

## K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)	207-08-9	0.11	6.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

## K149

Distillation bottoms from the production of  $\alpha$ - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

## K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of  $\alpha$ - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19

## K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated

during the treatment of wastewaters from the production of  $\alpha$ - (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

## K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.—~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)<sup>10</sup>~~

Acetonitrile	75-05-8	5.6	<u>381.8</u>
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

## K157

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.—~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)<sup>10</sup>~~

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	0.14



Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
<del>o-Phenylenediamine</del>	<del>95-54-5</del>	<del>0.056</del>	<del>5-6</del>
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

## K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. ~~(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)~~<sup>10</sup>

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

## K159

Organics from the treatment of thiocarbamate wastes.<sup>10</sup>

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPTC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

## K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.<sup>10</sup>

Antimony	7440-36-0	1.9	1.15 <sup>11</sup> mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 <sup>11</sup> mg/l TCLP
Carbon disulfide	75-15-0	3.8	4.8 <sup>11</sup> mg/l TCLP
Dithiocarbamates (total)	<del>NA</del> 137-30-4	0.028	28
Lead	7439-92-1	0.69	0.75 <sup>11</sup> mg/l TCLP
Nickel	7440-02-0	3.98	11 <sup>11</sup> mg/l TCLP
Selenium	7782-49-2	0.82	5.7 <sup>11</sup> mg/l TCLP

## K169

Crude oil tank sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4

Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30

## K170

Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(g, h, i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a, h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Indeno(1, 2, 3, -cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30

## K171

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/L TCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
Reactive sulfides	NA	DEACT	DEACT

## K172

Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support

media.)			
Benzene	71-43-2	0.14	10
Ethyl benzene	100-41-4	0.057	10
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30
Antimony	7740-36-0	1.9	1.15 mg/L TCLP
Arsenic	7740-38-2	1.4	5 mg/L TCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
Reactive Sulfides	NA	DEACT	DEACT

## P001

Warfarin, & salts, when present at concentrations greater than 0.3 percent

Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## P002

1-Acetyl-2-thiourea

1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## P003

Acrolein

Acrolein	107-02-8	0.29	CMBST
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## P004

Aldrin

Aldrin	309-00-2	0.021	0.066
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## P005

Allyl alcohol

Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## P006

Aluminum phosphide

Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
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P007			
5-Aminomethyl-3-isoxazolol			
5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008			
4-Aminopyridine			
4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009			
Ammonium picrate			
Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P010			
Arsenic acid			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011			
Arsenic pentoxide			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012			
Arsenic trioxide			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013			
Barium cyanide			
Barium	7440-39-3	NA	21 mg/l TCLP
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

P014			
Thiophenol (Benzene thiol)			
Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015			
Beryllium dust			
Beryllium	7440-41-7	RMETL;or RTHRM	RMETL; or RTHRM
P016			
Dichloromethyl ether (Bis(chloromethyl)ether)			
Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017			
Bromoacetone			
Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018			
Brucine			
Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021			
Calcium cyanide			
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

P022			
Carbon disulfide			
Carbon disulfide	75-15-0	3.8	CMBST
Carbon disulfide; alternate <sup>6</sup> standard for nonwastewaters only	75-15-0	NA	4.8 mg/l TCLP
P023			
Chloroacetaldehyde			
Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P024			
p-Chloroaniline			
p-Chloroaniline	106-47-8	0.46	16
P026			
1-(o-Chlorophenyl)thiourea			
1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P027			
3-Chloropropionitrile			
3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028			
Benzyl chloride			
Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P029			
Copper cyanide			
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30

## P030

Cyanides (soluble salts and complexes)

Cyanides (Total)<sup>7</sup> 57-12-5 1.2 590Cyanides (Amenable)<sup>7</sup> 57-12-5 0.86 30

## P031

Cyanogen

Cyanogen 460-19-5 CHOXD;  
WETOX; or  
CMBST CHOXD;  
WETOX; or  
CMBST

## P033

Cyanogen chloride

Cyanogen chloride 506-77-4 CHOXD;  
WETOX; or  
CMBST CHOXD;  
WETOX; or  
CMBST

## P034

2-Cyclohexyl-4,6-dinitrophenol

2-Cyclohexyl-4,6-dinitrophenol 131-89-5 (WETOX or  
CHOXD) fb  
CARBN; or  
CMBST CMBST

## P036

Dichlorophenylarsine

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

## P037

Dieldrin

Dieldrin 60-57-1 0.017 0.13

## P038

Diethylarsine

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

## P039

Disulfoton

Disulfoton 298-04-4 0.017 6.2

## P040

O,O-Diethyl-O-pyrazinyl-phosphorothioate

O,O-Diethyl-O-pyrazinyl-  
phosphorothioate 297-97-2 CARBN; or  
CMBST CMBST

P041	Diethyl-p-nitrophenyl phosphate			
	Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042	Epinephrine			
	Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043	Diisopropylfluorophosphate (DFP)			
	Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044	Dimethoate			
	Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045	Thiofanox			
	Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046	$\alpha, \alpha$ -Dimethylphenethylamine			
	$\alpha, \alpha$ -Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047	4,6-Dinitro-o-cresol			
	4,6-Dinitro-o-cresol	543-52-1	0.28	160



P047 4,6-Dinitro-o-cresol salts NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	160
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13
P051 Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13
P054 Aziridine Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P056 Fluorine Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR

P057			
Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058			
Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P059			
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
P060			
Isodrin	465-73-6	0.021	0.066
P062			
Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P063			
Hydrogen cyanide	57-12-5	1.2	590
Cyanides (Total) <sup>7</sup>	57-12-5	0.86	30
Cyanides (Amenable) <sup>7</sup>			
P064			
Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P065			
P065 (mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.			
Mercury	7439-97-6	NA	IMERC

## P065

P065 (mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.

Mercury	7339-97-6	NA	RMERC
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## P065

P065 (mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.20 mg/l TCLP
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## P065

P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.

Mercury	7439-97-6	NA	0.025 mg/l TCLP
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## P065

All P065 (mercury fulminate) wastewaters.

Mercury	7439-97-6	0.15	NA
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## P066

Methomyl  
Methomyl

16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## P067

2-Methyl-aziridine  
2-Methyl-aziridine

75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## P068

Methyl hydrazine  
Methyl hydrazine

60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED, or CMBST
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P069 2-Methylactonitrile 2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070 Aldicarb Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071 Methyl parathion Methyl parathion	298-00-0	0.014	4.6
P072 1-Naphthyl-2-thiourea 1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073 Nickel carbonyl Nickel	7440-02-0	3.98	11 mg/l TCLP
P074 Nickel cyanide Cyanides (Total) <sup>7</sup> Cyanides (Amenable) <sup>7</sup> Nickel	57-12-5 57-12-5 7440-02-0	1.2 0.86 3.98	590 30 11 mg/l TCLP
P075 Nicotine and salts Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076 Nitric oxide Nitric oxide	10102-43-9	ADGAS	ADGAS

P077 p-Nitroaniline p-Nitroaniline	100-01-6	0.028	28
P078 Nitrogen dioxide Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
P081 Nitroglycerin Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
P082 N-Nitrosodimethylamine N-Nitrosodimethylamine	62-75-9	0.40	2.3
P084 N-Nitrosomethylvinylamine N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085 Octamethylpyrophosphoramid Octamethylpyrophosphoramid	152-16-9	CARBN; or CMBST	CMBST
P087 Osmium tetroxide Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088 Endothall Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

P089			
Parathion			
Parathion	56-38-2	0.014	4.6
P092			
P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.			
Mercury	7439-97-6	NA	IMERC; or RMERC
P092			
P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	RMERC
P092			
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
P092			
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
P092			
All P092 (phenyl mercuric acetate) wastewaters.			
Mercury	7439-97-6	0.15	NA
P093			
Phenylthiourea			
Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P094			
Phorate			
Phorate	298-02-2	0.021	4.6

P095 Phosgene Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P096 Phosphine Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P097 Famphur Famphur	52-85-7	0.017	15
P098 Potassium cyanide. Cyanides (Total) <sup>7</sup> Cyanides (Amenable) <sup>7</sup>	57-12-5 57-12-5	1.2 0.86	590 30
P099 Potassium silver cyanide Cyanides (Total) <sup>7</sup> Cyanides (Amenable) <sup>7</sup> Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.14 mg/l TCLP
P101 Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102 Propargyl alcohol Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103 Selenourea Selenium	7782-49-2	0.82	5.7 mg/l TCLP

P104			
Silver cyanide			
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
Silver	7440-22-4	0.43	0.14 mg/l TCLP
P105			
Sodium azide			
Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106			
Sodium cyanide			
Cyanides (Total) <sup>7</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>7</sup>	57-12-5	0.86	30
P108			
Strychnine and salts			
Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109			
Tetraethyldithiopyrophosphate			
Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110			
Tetraethyl lead			
Lead	7439-92-1	0.69	0.75 mg/l TCLP
P111			
Tetraethylpyrophosphate			
Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST
P112			
Tetranitromethane			
Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST



P113 Thallic oxide Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114 Thallium selenite Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P115 Thallium (I) sulfate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P116 Thiosemicarbazide Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P118 Trichloromethanethiol Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P119 Ammonium vanadate Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120 Vanadium pentoxide Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121 Zinc cyanide Cyanides (Total) <sup>7</sup> Cyanides (Amenable) <sup>7</sup>	57-12-5 57-12-5	1.2 0.86	590 30

P122			
Zinc phosphide $Zn_3P_2$ , when present at concentrations greater than 10 percent			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P123			
Toxaphene			
Toxaphene	8001-35-2	0.0095	2.6
P127			
Carbofuran <sup>10</sup>			
Carbofuran	1563-66-2	0.006	0.14
P128			
Mexacarbate <sup>10</sup>			
Mexacarbate	315-18-4	0.056	1.4
P185			
Tirpate <sup>10</sup>			
Tirpate	26419-73-8	0.056	0.28
P188			
Physostigmine salicylate <sup>10</sup>			
Physostigmine salicylate	57-64-7	0.056	1.4
P189			
Carbosulfan <sup>10</sup>			
Carbosulfan	55285-14-8	0.028	1.4
P190			
Metolcarb <sup>10</sup>			
Metolcarb	1129-41-5	0.056	1.4
P191			
Dimetilan <sup>10</sup>			
Dimetilan	644-64-4	0.056	1.4
P192			
Isolan <sup>10</sup>			
Isolan	119-38-0	0.056	1.4
P194			
Oxamyl <sup>10</sup>			
Oxamyl	23135-22-0	0.056	0.28

P196			
Manganese dimethyldithiocarbamates (total) <sup>10</sup>			
Dithiocarbamates (total)	NA	0.028	28
P197			
Formparanate <sup>10</sup>			
Formparanate	17702-57-7	0.056	1.4
P198			
Formetanate hydrochloride <sup>10</sup>			
Formetanate hydrochloride	23422-53-9	0.056	1.4
P199			
Methiocarb <sup>10</sup>			
Methiocarb	2032-65-7	0.056	1.4
P201			
Promecarb <sup>10</sup>			
Promecarb	2631-37-0	0.056	1.4
P202			
m-Cumenyl methylcarbamate <sup>10</sup>			
m-Cumenyl methylcarbamate	64-00-6	0.056	1.4
P203			
Aldicarb sulfone <sup>10</sup>			
Aldicarb sulfone	1646-88-4	0.056	0.28
P204			
Physostigmine <sup>10</sup>			
Physostigmine	57-47-6	0.056	1.4
P205			
Ziram <sup>10</sup>			
Dithiocarbamates (total)	NA	0.028	28
U001			
Acetaldehyde			
Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U002			
Acetone			
Acetone	67-64-1	0.28	160
U003			
Acetonitrile			
Acetonitrile	75-05-8	5.6	CMBST
Acetonitrile; alternate <sup>6</sup> standard for nonwastewaters only	75-05-8	NA	38
U004			
Acetophenone			
Acetophenone	98-86-2	0.010	9.7
U005			
2-Acetylaminofluorene			
2-Acetylaminofluorene	53-96-3	0.059	140
U006			
Acetyl chloride			
Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007			
Acrylamide			
Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008			
Acrylic acid			
Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009			
Acrylonitrile			
Acrylonitrile	107-13-1	0.24	84

U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012 Aniline Aniline	62-53-3	0.81	14
U014 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015 Azaserine Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U017 Benzal chloride Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U018				
Benz(a)anthracene				
Benz(a)anthracene	56-55-3	0.059	3.4	
U019				
Benzene				
Benzene	71-43-2	0.14	10	
U020				
Benzenesulfonyl chloride				
Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U021				
Benzidine				
Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U022				
Benzo(a)pyrene				
Benzo(a)pyrene	50-32-8	0.061	3.4	
U023				
Benzotrichloride				
Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
U024				
bis(2-Chloroethoxy)methane				
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2	
U025				
bis(2-Chloroethyl)ether				
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0	

U026 Chlornaphazine Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027 bis(2-Chloroisopropyl)ether bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
U028 bis(2-Ethylhexyl)phthalate bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28
U029 Methyl bromide (Bromomethane) Methyl bromide (Bromo- methane)	74-83-9	0.11	15
U030 4-Bromophenyl phenyl ether 4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031 n-Butyl alcohol n-Butyl alcohol	71-36-3	5.6	2.6
U032 Calcium chromate Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
U033 Carbon oxyfluoride Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U035				
Chlorambucil				
Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U036				
Chlordane				
Chlordane ( $\alpha$ and $\chi$ isomers)	57-74-9	0.0033		0.26
U037				
Chlorobenzene				
Chlorobenzene	108-90-7	0.057		6.0
U038				
Chlorobenzilate				
Chlorobenzilate	510-15-6	0.10		CMBST
U039				
p-Chloro-m-cresol				
p-Chloro-m-cresol	59-50-7	0.018		14
U041				
Epichlorohydrin (1-Chloro-2,3-epoxypropane)				
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U042				
2-Chloroethyl vinyl ether				
2-Chloroethyl vinyl ether	110-75-8	0.062		CMBST
U043				
Vinyl chloride				
Vinyl chloride	75-01-4	0.27		6.0
U044				
Chloroform				
Chloroform	67-66-3	0.046		6.0



U045			
Chloromethane (Methyl chloride)			
Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046			
Chloromethyl methyl ether			
Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047			
2-Chloronaphthalene			
2-Chloronaphthalene	91-58-7	0.055	5.6
U048			
2-Chlorophenol			
2-Chlorophenol	95-57-8	0.044	5.7
U049			
4-Chloro-o-toluidine hydrochloride			
4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U050			
Chrysene			
Chrysene	218-01-9	0.059	3.4
U051			
Creosote			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP

## U052

## Cresols (Cresylic acid)

o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2

## U053

## Crotonaldehyde

Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## U055

## Cumene

Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## U056

## Cyclohexane

Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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## U057

## Cyclohexanone

Cyclohexanone	108-94-1	0.36	CMBST
Cyclohexanone; alternate <sup>6</sup> standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP

## U058

## Cyclophosphamide

Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST
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U059			
Daunomycin			
Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U060			
DDD			
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
U061			
DDT			
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
U062			
Diallate			
Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U063			
Dibenz(a,h)anthracene			
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064			
Dibenz(a,i)pyrene			
Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066			
1,2-Dibromo-3-chloropropane			
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15

U067			
Ethylene dibromide (1,2-Dibromoethane)			
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068			
Dibromomethane			
Dibromomethane	74-95-3	0.11	15
U069			
Di-n-butyl phthalate			
Di-n-butyl phthalate	84-74-2	0.057	28
U070			
o-Dichlorobenzene			
o-Dichlorobenzene	95-50-1	0.088	6.0
U071			
m-Dichlorobenzene			
m-Dichlorobenzene	541-73-1	0.036	6.0
U072			
p-Dichlorobenzene			
p-Dichlorobenzene	106-46-7	0.090	6.0
U073			
3,3'-Dichlorobenzidine			
3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U074			
1,4-Dichloro-2-butene			
cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

## U075

Dichlorodifluoromethane

Dichlorodifluoromethane	75-71-8	0.23	7.2
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## U076

1,1-Dichloroethane

1,1-Dichloroethane	75-34-3	0.059	6.0
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## U077

1,2-Dichloroethane

1,2-Dichloroethane	107-06-2	0.21	6.0
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## U078

1,1-Dichloroethylene

1,1-Dichloroethylene	75-35-4	0.025	6.0
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## U079

1,2-Dichloroethylene

trans-1,2-Dichloroethylene	156-60-5	0.054	30
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## U080

Methylene chloride

Methylene chloride	75-09-2	0.089	30
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## U081

2,4-Dichlorophenol

2,4-Dichlorophenol	120-83-2	0.044	14
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## U082

2,6-Dichlorophenol

2,6-Dichlorophenol	87-65-0	0.044	14
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## U083

1,2-Dichloropropane

1,2-Dichloropropane	78-87-5	0.85	18
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## U084

1,3-Dichloropropylene

cis-1,3-Dichloropropylene	10061-01-5	0.036	18
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trans-1,3-Dichloropropylene	10061-02-6	0.036	18
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U085			
1,2:3,4-Diepoxybutane			
1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086			
N,N'-Diethylhydrazine			
N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087			
O,O-Diethyl-S-methyldithiophosphate			
O,O-Diethyl-S-methyldithio- phosphate	3288-58-2	CARBN; or CMBST	CMBST
U088			
Diethyl phthalate			
Diethyl phthalate	84-66-2	0.20	28
U089			
Diethyl stilbestrol			
Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U090			
Dihydrosafrole			
Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091			
3,3'-Dimethoxybenzidine			
3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U092			
Dimethylamine			
Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093			
p-Dimethylaminoazobenzene			
p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094			
7,12-Dimethylbenz(a)anthracene			
7,12-Dimethylbenz(a)- anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095			
3,3'-Dimethylbenzidine			
3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096			
$\alpha$ , $\alpha$ -Dimethyl benzyl hydroperoxide			
$\alpha$ , $\alpha$ -Dimethyl benzyl hydro- peroxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097			
Dimethylcarbamoyl chloride			
Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098			
1,1-Dimethylhydrazine			
1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST

U099 1,2-Dimethylhydrazine 1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101 2,4-Dimethylphenol 2,4-Dimethylphenol	105-67-9	0.036	14
U102 Dimethyl phthalate Dimethyl phthalate	131-11-3	0.047	28
U103 Dimethyl sulfate Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105 2,4-Dinitrotoluene 2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene 2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane 1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate <sup>6</sup> standard for nonwastewaters only	123-91-1	12.0	170



U109			
1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate <sup>6</sup> standard for wastewaters only	122-66-7	0.087	NA
U110			
Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111			
Di-n-propylnitrosamine	621-64-7	0.40	14
U112			
Ethyl acetate	141-78-6	0.34	33
U113			
Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114			
Ethylenebisdithiocarbamic acid salts and esters	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115			
Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST

Ethylene oxide; alternate <sup>6</sup> standard for wastewaters only	75-21-8	0.12	NA
U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117 Ethyl ether Ethyl ether	60-29-7	0.12	160
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	160
U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4
U121 Trichloromonofluoromethane Trichloromonofluoromethane	75-69-4	0.020	30
U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124 Furan Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U125 Furfural Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	0.055	10
U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	0.055	5.6
U129 Lindane $\alpha$ -BHC $\beta$ -BHC $\delta$ -BHC $\chi$ -BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.066 0.066 0.066 0.066

U130			
Hexachlorocyclopentadiene			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
U131			
Hexachloroethane			
Hexachloroethane	67-72-1	0.055	30
U132			
Hexachlorophene			
Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133			
Hydrazine			
Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134			
Hydrogen fluoride			
Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR
U135			
Hydrogen sulfide			
Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U136			
Cacodylic acid			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137			
Indeno(1,2,3-c,d)pyrene			
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
U138			
Iodomethane			
Iodomethane	74-88-4	0.19	65

U140				
Isobutyl alcohol				
Isobutyl alcohol	78-83-1	5.6		170
U141				
Isosafrole				
Isosafrole	120-58-1	0.081		2.6
U142				
Kepone				
Kepone	143-50-8	0.0011		0.13
U143				
Lasiocarpine				
Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U144				
Lead acetate				
Lead	7439-92-1	0.69		0.75 mg/l TCLP
U145				
Lead phosphate				
Lead	7439-92-1	0.69		0.75 mg/l TCLP
U146				
Lead subacetate				
Lead	7439-92-1	0.69		0.75 mg/l TCLP
U147				
Maleic anhydride				
Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U148				
Maleic hydrazide				
Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST

U149 Malononitrile Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150 Melphalan Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151 U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury. Mercury	7439-97-6	NA	RMERC
U151 U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only. Mercury	7439-97-6	NA	0.20 mg/l TCLP
U151 U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only. Mercury	7439-97-6	NA	0.025 mg/l TCLP
U151 All U151 (mercury) wastewater. Mercury	7439-97-6	0.15	NA
U151 Element Mercury Contaminated with Radioactive Materials Mercury	7439-97-6	NA	AMLGM
U152 Methacrylonitrile Methacrylonitrile	126-98-7	0.24	84

U153 Methanethiol Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U154 Methanol Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Methanol; alternate <sup>6</sup> set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP
U155 Methapyrilene Methapyrilene	91-80-5	0.081	1.5
U156 Methyl chlorocarbonate Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U157 3-Methylcholanthrene 3-Methylcholanthrene	56-49-5	0.0055	15
U158 4,4'-Methylene bis(2-chloroaniline) 4,4'-Methylene bis(2-chloro- aniline)	101-14-4	0.50	30
U159 Methyl ethyl ketone Methyl ethyl ketone	78-93-3	0.28	36

U160				
Methyl ethyl ketone peroxide				
Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
U161				
Methyl isobutyl ketone				
Methyl isobutyl ketone	108-10-1	0.14	33	
U162				
Methyl methacrylate				
Methyl methacrylate	80-62-6	0.14	160	
U163				
N-Methyl-N'-nitro-N-nitrosoguanidine				
N-Methyl-N'-nitro-N-nitroso- guanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U164				
Methylthiouracil				
Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U165				
Naphthalene				
Naphthalene	91-20-3	0.059	5.6	
U166				
1,4-Naphthoquinone				
1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	



U167				
1-Naphthylamine				
1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U168				
2-Naphthylamine				
2-Naphthylamine	91-59-8	0.52		CMBST
U169				
Nitrobenzene				
Nitrobenzene	98-95-3	0.068		14
U170				
p-Nitrophenol				
p-Nitrophenol	100-02-7	0.12		29
U171				
2-Nitropropane				
2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U172				
N-Nitrosodi-n-butylamine				
N-Nitrosodi-n-butylamine	924-16-3	0.40		17
U173				
N-Nitrosodiethanolamine				
N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U174				
N-Nitrosodiethylamine				
N-Nitrosodiethylamine	55-18-5	0.40		28

U176 N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177 N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U178 N-Nitroso-N-methylurethane N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179 N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4	0.013	35
U180 N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2	0.013	35
U181 5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8	0.32	28
U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10

U184			
Pentachloroethane			
Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Pentachloroethane; alternate <sup>6</sup> standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185			
Pentachloronitrobenzene			
Pentachloronitrobenzene	82-68-8	0.055	4.8
U186			
1,3-Pentadiene			
1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187			
Phenacetin			
Phenacetin	62-44-2	0.081	16
U188			
Phenol			
Phenol	108-95-2	0.039	6.2
U189			
Phosphorus sulfide			
Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190			
Phthalic anhydride			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192 Pronamide Pronamide	23950-58-5	0.093	1.5
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196 Pyridine Pyridine	110-86-1	0.014	16
U197 p-Benzoquinone p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200 Reserpine Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U202 Saccharin and salts Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203 Safrole Safrole	94-59-7	0.081	22
U204 Selenium dioxide Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U205 Selenium sulfide Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U206 Streptozotocin Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208 1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
U209 1,1,2,2-Tetrachloroethane 1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0

U210			
Tetrachloroethylene			
Tetrachloroethylene	127-18-4	0.056	6.0
U211			
Carbon tetrachloride			
Carbon tetrachloride	56-23-5	0.057	6.0
U213			
Tetrahydrofuran			
Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214			
Thallium (I) acetate			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U215			
Thallium (I) carbonate			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U216			
Thallium (I) chloride			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U217			
Thallium (I) nitrate			
Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U218			
Thioacetamide			
Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

U219 Thiourea Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220 Toluene Toluene	108-88-3	0.080	10
U221 Toluenediamine Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222 o-Toluidine hydrochloride o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223 Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225 Bromoform (Tribromomethane) Bromoform (Tribromomethane)	75-25-2	0.63	15
U226 1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227 1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228 Trichloroethylene Trichloroethylene	79-01-6	0.054	6.0

U234			
1,3,5-Trinitrobenzene			
1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235			
tris-(2,3-Dibromopropyl)-phosphate			
tris-(2,3-Dibromopropyl)- phosphate	126-72-7	0.11	0.10
U236			
Trypan Blue			
Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237			
Uracil mustard			
Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238			
Urethane (Ethyl carbamate)			
Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239			
Xylenes			
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
U240			
2,4-D (2,4-Dichlorophenoxyacetic acid)			
2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	0.72	10



2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243 Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30
U244 Thiram Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246 Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247 Methoxychlor Methoxychlor	72-43-5	0.25	0.18
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249 Zinc phosphide, Zn <sub>3</sub> P <sub>2</sub> , when present at concentrations of 10 percent or less Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271 Benomyl <sup>149</sup> Benomyl	17804-35-2	0.056	1.4

U278 Bendiocarb <sup>10</sup> Bendiocarb	22781-23-3	0.056	1.4
U279 Carbaryl <sup>10</sup> Carbaryl	63-25-2	0.006	0.14
U280 Barban <sup>10</sup> Barban	101-27-9	0.056	1.4
U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U353 p-Toluidine p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359 2-Ethoxyethanol 2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364 Bendiocarb phenol <sup>10</sup> Bendiocarb phenol	22961-82-6	0.056	1.4

U367			
Carbofuran phenol <sup>10</sup>			
Carbofuran phenol	1563-38-8	0.056	1.4
U372			
Carbendazim <sup>10</sup>			
Carbendazim	10605-21-7	0.056	1.4
U373			
Propham <sup>10</sup>			
Propham	122-42-9	0.056	1.4
U387			
Prosulfocarb <sup>10</sup>			
Prosulfocarb	52888-80-9	0.042	1.4
U389			
Triallate <sup>10</sup>			
Triallate	2303-17-5	0.042	1.4
U394			
A2213 <sup>10</sup>			
A2213	30558-43-1	0.042	1.4
U395			
Diethylene glycol, dicarbamate <sup>10</sup>			
Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4
U404			
Triethylamine <sup>10</sup>			
Triethylamine	101-44-8	0.081	1.5
U408			
2,4,6-Tribromophenol			
2,4,6-Tribromophenol	118-79-6	0.035	7.4
U409			
Thiophanate-methyl <sup>10</sup>			
Thiophanate-methyl	23564-05-8	0.056	1.4
U410			
Thiodicarb <sup>10</sup>			
Thiodicarb	59669-26-0	0.019	1.4

U411			
Propoxur <sup>†0</sup>			
Propoxur	114-26-1	0.056	1.4

## Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Descriptions of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. ";" separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.
- 7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 8 These wastes, when rendered ~~non-hazardous~~ non-hazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards.

(See Section 728.101(c)(3) and (c)(4).)

- 9 These wastes, when rendered ~~nonhazardous~~ non-hazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)
- 10 ~~This footnote corresponds with note 10 to the table to 40 CFR 268.40, which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.~~ The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at Table C, for nonwastewaters, and biodegradation, as defined by the technology code BIODG; carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CMBST, at Table C, for wastewaters.
- 11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724.Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725.Subpart O.

BOARD NOTE: Derived from table to 40 CFR 268.40 (~~1997~~1998), as amended at 63 Fed. Reg. ~~24626-47415~~ (May 4Sep. 4, 1998), ~~63 Fed. Reg. 28643~~ (May 26, 1998), and 63 Fed. Reg. ~~35149-51264~~ (June 29Sep. 24, 1998).

NA means not applicable.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 728.Table U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS <sup>1</sup> No.	Wastewater Standard Concentration (in mg/l <sup>2</sup> )	Nonwastewater Standard Concentration (in mg/kg <sup>3</sup> unless noted as "mg/l TCLP")
<del>A2213</del> <sup>6</sup>	<del>30558-43-1</del>	<del>0.042</del>	<del>1.4</del>
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140

Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone <sup>6</sup>	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
$\alpha$ -BHC	319-84-6	0.00014	0.066
$\beta$ -BHC	319-85-7	0.00014	0.066
$\delta$ -BHC	319-86-8	0.023	0.066
$\chi$ -BHC	58-89-9	0.0017	0.066
Barban <sup>6</sup>	101-27-9	0.056	1.4
Bendiocarb <sup>6</sup>	22781-23-3	0.056	1.4
<del>Bendiocarb-phenol<sup>6</sup></del>	<del>22961-82-6</del>	<del>0.056</del>	<del>1.4</del>
Benomyl <sup>6</sup>	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate <sup>6</sup>	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro-phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl <sup>6</sup>	63-25-2	0.006	0.14
Carbenzadim <sup>6</sup>	10605-21-7	0.056	1.4
Carbofuran <sup>6</sup>	1563-66-2	0.006	0.14
Carbofuran phenol <sup>6</sup>	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan <sup>6</sup>	55285-14-8	0.028	1.4
Chlordane ( $\alpha$ and $\chi$ isomers)	57-74-9	0.0033	0.26

p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	14
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methyl carbamate <sup>6</sup>	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichlorophenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethylene glycol, dicarbamate <sup>6</sup>	<del>5952-26-1</del>	<del>0.056</del>	<del>1.4</del>
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Dimetilan <sup>6</sup>	<del>644-64-4</del>	<del>0.056</del>	<del>1.4</del>
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total) <sup>6</sup>	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC <sup>6</sup>	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10



Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydrochloride <sup>6</sup>	23422-53-9	0.056	1.4
<del>Formparanate<sup>6</sup></del>	<del>17702-57-7</del>	<del>0.056</del>	<del>1.4</del>
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
<del>Isolan<sup>6</sup></del>	<del>119-38-0</del>	<del>0.056</del>	<del>1.4</del>
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb <sup>6</sup>	2032-65-7	0.056	1.4
Methomyl <sup>6</sup>	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloro- aniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb <sup>6</sup>	1129-41-5	0.056	1.4

Mexacarbate <sup>6</sup>	315-18-4	0.056	1.4
Molinate <sup>6</sup>	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl <sup>6</sup>	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate <sup>6</sup>	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
<del>o-Phenylenediamine<sup>6</sup></del>	<del>95-54-5</del>	<del>0.056</del>	<del>5.6</del>
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine <sup>6</sup>	57-47-6	0.056	1.4
Physostigmine salicylate <sup>6</sup>	57-64-7	0.056	1.4
Promecarb <sup>6</sup>	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propham <sup>6</sup>	122-42-9	0.056	1.4
Propoxur <sup>6</sup>	114-26-1	0.056	1.4
Prosulfocarb <sup>6</sup>	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2

Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Thiodicarb <sup>6</sup>	59669-26-0	0.019	1.4
Thiophanate-methyl <sup>6</sup>	23564-05-8	0.056	1.4
<del>Tirpate<sup>6</sup></del>	<del>26419-73-8</del>	<del>0.056</del>	<del>0.28</del>
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate <sup>6</sup>	2303-17-5	0.042	1.4
Tribromomethane (Bromoform)	75-25-2	0.63	15
2,4,6-Tribromophenol	118-79-6	0.035	7.4
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxy-acetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
Triethylamine <sup>6</sup>	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl)phosphate	126-72-7	0.11	0.10
Vernolate <sup>6</sup>	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP

Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total) <sup>4</sup>	57-12-5	1.2	590
Cyanides (Amenable) <sup>4</sup>	57-12-5	0.86	30
Fluoride <sup>5</sup>	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium <sup>7</sup>	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.20 mg/l TCLP
Vanadium <sup>5</sup>	7440-62-2	4.3	1.6 mg/l TCLP
Zinc <sup>5</sup>	7440-66-6	2.61	4.3 mg/l TCLP

- 1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.
- 3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- 4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).
- 6 This footnote corresponds with footnote 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

- 7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UTS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (~~1997~~1998), as amended at 63 Fed. Reg. ~~24626-47410~~ (May 4Sep. 4, 1998) and 63 Fed. Reg. ~~28739~~ (May 26, 1998).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 733  
 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

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733.103	Applicability--Pesticides
733.104	Applicability--Mercury Thermostats
733.105	Applicability--Household and Conditionally Exempt Small Quantity Generator Waste
733.106	Definitions
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SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

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SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section

733.130 Applicability  
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Section

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Section

733.180 General  
 733.181 Factors for Petitions to Include Other Wastes

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

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in

R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

### Section 733.106 Definitions

“Battery” means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113 (a) and (c) and 733.133 (a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

“Electric lamp” means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of “electric lamp” was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“FIFRA” means the Federal Insecticide, Fungicide, and Rodenticide Act (7 ~~U.S.C.~~ §§ USC 136- through 136y).

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

“Large quantity handler of universal waste” means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“Mercury-containing lamp” means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of “mercury-containing lamp” was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“On-site” means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

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

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. § USC 321(v)), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA Section 360b(j), incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA Section 201(w) (21 U.S.C. § USC 321(w)), incorporated by reference in Section 720.111 that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: “Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug”. This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. § 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.



“Small quantity handler of universal waste” means a universal waste handler (as defined in this Section) that does not accumulate ~~more than~~ 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“Thermostat” means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

“Universal waste” means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Thermostats, as described in Section 733.104; and

Mercury-containing lamps, as described in Section 733.107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

“Universal waste handler” means either of the following:

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

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

“Universal waste handler” does not mean:

A person that treats (except under 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 transfer facility” means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

“Universal waste transporter” means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)