ILLINOIS POLLUTION CONTROL BOARD
July 16, 1987

IN THE MATTER OF:	)	
	)	
RCRA UPDATE, USEPA REGULATIONS (7-1-86 THROUGH 9-30-86)	)	R86-46

FINAL ORDER. ADOPTED RULE

ORDER OF THE BOARD (by J. Anderson):

Pursuant to Section 22.4(a) of the Environmental Protection Act (Act), the Board is amending the RCRA regulations.

On October 9, 1986, the Board opened this docket for the purpose of updating the RCRA rules to agree with recent USEPA amendments. On March 19, 1987 the Board proposed to adopt amendments which appeared on April 17, 1987, at 11 Ill. Reg. 6958. The Board has modified the proposal in response to public comment as is detailed in the opinion of this same day.

Section 22.4(a) of the Act governs adoption of regulations establishing the RCRA program in Illinois. Section 22.4(a) provides for quick adoption of regulations which are "identical in substance" to federal regulations. Section 22.4(a) of the Act provides that neither Title VII of the Act nor Section 5 of the Administrative Procedure Act applies to rules adopted under "identical in substance" authority. Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, it is not subject to review by the Joint Committee on Administrative Rules (JCAR). The federal RCRA regulations are found at 40 CFR 260 through 270, and 280. This rulemaking updates Illinois' RCRA rules to correspond with federal amendments during the period July 1 through September 30, 1986.

The Board has adopted an Opinion supporting this Order in a separate action on this same day. The Board will withhold filing the adopted rules until after July 27, 1987, to allow time for motions to reconsider by the agencies involved in the authorization process.

The complete text of the proposed amendments is as follows.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106
HEARINGS PURSUANT TO SPECIFIC RULES

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106.404 Response (Repealed)
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106.406 Public Hearings (Repealed)
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106.412 Request to Agency to Join as Co-Petitioner
106.413 Contents of Petition
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106.415 Notice and Conduct of Hearing

106.416 Opinions and Orders

Appendix Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 22.4, 27, 28 and 28.1 and authorized by Section 26 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111½, pars. 1005, 1022.4, 1027, 1028, 1028.1 and 1026).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, page 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

SUBPART D: ~~-SOLID WASTE AND BOILER DETERMINATIONS-~~ RCRA ADJUSTED STANDARD PROCEDURES

Section 106.401 Petition (Repealed)

~~-a) Any person seeking, pursuant to 35 Ill. Adm. Code 720.130 or 720.132, a determination that a material is not a solid waste or that an enclosed device, using controlled flame combustion, is a boiler, must file a petition with the Board.~~

~~b) The petition must include the information specified in 35 Ill. Adm. Code 720.130 et seq., for the type of determination sought. In addition, the petitioner must include the following information:~~

~~1) Name of the petitioner;~~

~~2) Location of the facility; and~~

~~3) A reference to prior Board Orders affecting the facility.~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.402 Notice of Petition (Repealed)

~~-a) The petitioner shall serve a copy of the petition on the Agency.~~

~~b) The Agency shall give notice of the filing of the petition as provided in 35 Ill. Adm. Code 104.142. -~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.403 Recommendation (Repealed)

~~-The Agency shall file its recommendation in accordance with 35 Ill. Adm. Code 104.180.-~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.404 Response (Repealed)

~~-The petitioner may respond to the recommendation in accordance with 35 Ill. Adm. Code 104.181.-~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.405 Public Comment (Repealed)

~~-Any person may comment on the petition and recommendation within 45 days after the Agency files its recommendation, in accordance with 35 Ill. Adm. Code 104.183.-~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.406 Public Hearings (Repealed)

~~-a) The Board will conduct a hearing on all petitions for determinations pursuant to this Subpart.~~

~~b) The Hearing Officer will give notice of the hearing pursuant to 35 Ill. Adm. Code 104.200(d).-~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.407 Decision (Repealed)

~~-a) The Board will enter an Order supported by a written Opinion setting forth the reasons for the Board's action, including all findings of fact and conclusions of law.~~

~~b) As required by Section 28.1 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111 1/2 par. 1028.1), Orders and Opinions will be maintained by the Clerk of the Board for public inspections. A listing of all determinations made pursuant to this Subpart will be published in the Environmental Register at the end of each fiscal year.-~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.408 Appeal

~~Any final determination of the Board may be appealed pursuant to Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1983, ch. 111½, par. 1041).~~

(Source: Repealed at 11 Ill. Reg. , effective)

Section 106.410 Scope and Applicability

This Subpart applies only whenever provision for an adjusted standard, as provided in Section 28.1 of the Environmental Protection Act (Act), is contained in a regulation of general applicability in 35 Ill. Adm. Code 700 through 750.

(Source: Added at 11 Ill. Reg. , effective)

Section 106.411 Joint or Single Petition

A person may initiate an adjusted standard proceeding either by filing a petition jointly with the Illinois Environmental Protection Agency (Agency), or by filing a petition singly.

(Source: Added at 11 Ill. Reg. , effective)

Section 106.412 Request to Agency To Join As Co-Petitioner

a) The Agency may, in its discretion, act as a co-petitioner in any adjusted standard proceeding.

b) Any person may request Agency assistance in initiating a petition for adjusted standard. The Agency may require the person to submit to the Agency any background information in the person's possession relevant to the adjusted standard which is sought. The Agency shall promptly notify the person in writing of its determination either to join as a co-petitioner, or to decline to join as a co-petitioner. If the Agency declines to join as a co-petitioner, the Agency shall state the basis for this decision.

c) Discretionary decisions made by the Agency pursuant to this Section are not appealable to the Board.

(Source: Added at 11 Ill. Reg. , effective)

Section 106.413 Contents of Petition

a) The petitioner shall file ten copies of the petition for adjusted standard with the Clerk of the Pollution

Control Board (Board), and shall serve one copy upon the Agency.

b) The petition shall contain the following information:

1) Identification of the regulation of general applicability for which an adjusted standard is sought;

2) A written statement, signed by the petitioner and the Agency, if the Agency is a co-petitioner, or an authorized representative, outlining the scope of the evaluation, the nature of, the reasons for and the basis of the adjusted standard, consistent with the level of justification contained in the regulation of general applicability;

3) The nature of the petitioner's operations and control equipment; and

4) Any additional information which may be required in the regulation of general applicability.

(Source: Added at 11 Ill. Reg. , effective)

Section 106.414 Response and Reply

a) Within 21 days after the filing of a petition, the Agency shall file a response to any petition in which it has not joined as a co-petitioner. This response shall include the Agency's comments concerning the Board's action on the petition.

b) The petitioner may file a reply within 14 days after the filing of any Agency response.

(Source: Added at 11 Ill. Reg. , effective)

Section 106.415 Notice and Conduct of Hearing

a) The Board will hold at least one public hearing prior to granting an adjusted standard.

b) The hearing officer will schedule the hearing. The Clerk will give notice of hearing in accordance with 35 Ill. Adm. Code 102.124.

c) The proceedings will be in accordance with 35 Ill. Adm. Code 102.160 through 102.164.

(Source: Added at 11 Ill. Reg. , effective)

Section 106.416 Opinions and Orders

a) The Board will adopt an order and opinion stating the facts and reasons leading to the final Board determination, consistent with any considerations which may be specified in the regulation of general applicability or Section 27(a) of the Act.

b) The Board will issue such other orders as the Board deems appropriate, including, but not limited to, accepting or rejecting the petition, requiring the submission of further information or directing that further hearings be held.

c) SUCH BOARD ORDERS AND OPINIONS WILL BE MAINTAINED FOR PUBLIC INSPECTION BY THE CLERK OF THE BOARD AND A LISTING OF ALL DETERMINATIONS MADE PURSUANT TO THIS SUBPART WILL BE PUBLISHED IN THE ILLINOIS REGISTER AND THE ENVIRONMENTAL REGISTER AT THE END OF EACH FISCAL YEAR.

d) A FINAL BOARD DETERMINATION MADE UNDER THIS SUBPART MAY BE APPEALED PURSUANT TO SECTION 41 OF THE ACT.

(Source: Added at 11 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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SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

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 R85-23 at 10 Ill. Reg. 13284, effective July 29, 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. , effective ; amended in R86-46 at 11 Ill. Reg. , effective .

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.155 Changes During Interim Status

a) New hazardous wastes not previously identified in Part A of the permit application may be treated, stored or disposed of at a facility if the owner or operator submits a revised Part A permit application prior to such a change;

b) Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because of a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities;

c) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:

1) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or

2) It is necessary to comply with Federal and State regulations, including 35 Ill. Adm. Code 725;

d) Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725~~.~~.Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725.Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

e) In no event shall changes be made to an HWM facility during interim status which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. Changes under this Section do not include

changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.

(Board Note: See 40 CFR 270.72 (1986), as amended at 51 Fed. Reg. 25471, July 14, 1986.)

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART D: APPLICATIONS

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 to be handled at the facility. At a minimum, these analyses shall 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)~~,~~ ~~including,~~ ; include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), ~~724.294,~~ 724.295, 724.326, 724.354, 724.373 and 724.403;

f) A justification of any request for a waiver(s) 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 724.327 and 724.355. 35 Ill. Adm. Code 724.355 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, 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, trenches);

3) Prevent contamination of water supplies;

4) Mitigate effects of equipment failure and power outages; and

5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing);

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, 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; 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 owners or operators 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, ~~and~~ 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 and 724.451;

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 intitial receipt of hazardous wastes, if it is later than the submission of the Part B;

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 intitial receipt of hazardous wastes, if it is later than the submission of the Part B;

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);

s) 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 should use larger contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

1) Map scale and date;

2) 100-year floodplain area;

3) Surface waters including intermittent streams;

4) Surrounding land uses (residential, commercial,

agricultural, recreational);

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 (fences, gates);

9) Injection and withdrawal wells both on-site and off-site;

10) Buildings; treatment, storage or disposal operations; or other structures (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 will allow the use of other scales on a case by case basis.)

t) Applicants may be required to submit such information as may be necessary to enable the Agency to determine whether a permit should be issued and what conditions to impose in any permit issued.

(Board Note: See 40 CFR 270.14(b)(1986), as amended at 51 Fed. Reg. 25471, July 14, 1986.)

(Source: Amended at 11 Ill. Reg. , effective)

Section 703.202 Tank-s- Systems

~~-For facilities that use tanks to store or treat hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.290, description of design and operation procedures which demonstrate compliance with the requirements of 35 Ill. Adm. Code 724.291, 724.292, 724.298, and 724.299, including:~~

~~a) References to design standards or other available information used (or to be used) in design and construction of the tank;~~

~~b) A description of design specifications including identification of construction materials and lining materials (include pertinent characteristics such as corrosion or erosion resistance);~~

~~c) Tank dimensions, capacity and shell thickness;~~

~~d) A diagram of piping, instrumentation and process flow;~~

~~e) Description of feed systems, safety cutoff, bypass systems and pressure controls (e.g., vents);~~

~~f) Description of procedures for handling incompatible ignitable or reactive wastes, including the use of buffer zones.~~

~~g) Where applicable, a description of the containment and detection systems to demonstrate compliance with 35 Ill. Adm. Code 724.300(a) must include at least the following:~~

~~1) Drawings and a description of the basic design parameters, dimensions and materials of construction of the containment system.~~

~~2) Capacity of the containment system relative to the design capacity of the tank(s) within the system.~~

~~3) Description of the system to detect leaks and spills, and how precipitation and run-on will be prevented from entering into the detection system.~~

Except as otherwise provided in 35 Ill. Adm. Code 724.290, owners and operators of facilities that use tanks to store or treat hazardous waste shall provide the following additional information:

a) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;

b) Dimensions and capacity of each tank;

c) Description of feed systems, safety cutoff, bypass systems and pressure controls (e.g., vents);

d) A diagram of piping, instrumentation and process flow for each tank system;

e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill.

Adm. Code 724.292(a)(3)(B);

f) For new tank systems, a detailed descriptions of how the tank system(s) will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d) and (e);

g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e) and (f);

h) For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g):

1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or

2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board Order granting alternative design and oerating practices.

i) Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b); and

j) For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299.

(Board Note: See 40 CFR 270.16(1986), as amended at 51 Fed. Reg. 25471, July 14, 1986.)

(Source: Amended at 11 Ill. Reg. , effective)

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: DEFINITIONS

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720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
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720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 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. , effective ;

amended in R86-46 at 11 Ill. Reg. , effective .

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 725 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. 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 his 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.

"Board" means the Illinois Pollution Control Board.

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

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.

"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.

"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.

"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 an EPA permit (or a facility with interim status) in accordance with the requirements of 40 CFR 270 and 124 or a permit from a state authorized in accordance with 40 CFR 271, or that is regulated under 40 CFR 261.6(c)(2) or 40 CFR 266.Subpart F or 35 Ill. Adm. Code 721.106(c)(2) or 726.Subpart F and that has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

"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.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous wastes 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, container, transport vehicle or vessel in Section 720.110.

"EPA" means United States Environmental Protection Agency.

"EPA hazardous waste number" means the number assigned by EPA 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" 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" 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 cancelled 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 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 and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

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.

"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).

"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.

"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.

"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 of 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 using controlled flame combustion which is neither a "boiler" nor an "industrial furnace".

"Incompatible waste" means a hazardous waste which is suitable 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-~~7~~-. Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices 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

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.

"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 land treatment facility, a surface impoundment or an injection well.

"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.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means- **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.

"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.

"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 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- **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.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"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" means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "state" or "municipality" (as defined by Section 502(4) of the Clean Water Act (33 U.S.C. 1362(4)). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or his designee.

"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.

"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.

"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.

"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.

"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 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".)

"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.

"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.

"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.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"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.

"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 is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (33 U.S.C. 1342 or 1317(b)); 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 in 35 Ill. Adm. Code 720.110.

"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 11 Ill. Reg. , effective)

Section 720.111 References

a) When used in 35 Ill. Adm. Code 720 through 725, the following publications are incorporated by reference:

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

"Petroleum Refinery Piping," ANSI B31.3 -- 1976, with addendum B31.3(d) -- 1980.

"Liquid Petroleum Transportation Piping Systems," ANSI B31.4 -- 1974, with addendum B31.4(b) -- 1981.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

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

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Publication 1632, 1983.

"Installation of Underground Petroleum Storage Systems," API Publication 1615 (November 1979).

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

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78-~~, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103~~.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-D-93-79 or D-93-80.- ~~D-93-80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.~~-

~~-"Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection~~

~~Association, 470 Atlantic Avenue, Boston, MA 02210.~~

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983~~.~~ ~~available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.~~

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1985)). ~~The second edition of SW-846 and updates I and II are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238 on a subscription basis.~~

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

"Recommended Practice (RP-02-85) Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems."

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000:

"Flammable and Combustible Liquids Code" (1977 or 1981).

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

b) ~~The references listed in paragraph (a) are also available for inspection at the Office of the Federal Register, 1100 L Street, NW, Washington, D.C. 20408 and at the Illinois State Library, Centennial Building, Springfield, IL 62756.~~ This Section incorporates no later editions or amendments.

(Source: Amended at 11 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
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Appendix Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; 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. , effective .

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage:

A) Domestic sewage; and

B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

2) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

(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. 2011 et seq.)

5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

6) Pulping liquors (i.e., black liquor) 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.

b) Solid wastes which 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 contractural requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:

A) The growing and harvesting of agricultural crops.

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.

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal

energy.

6)

A) Wastes which fail the test for the characteristic of EP toxicity (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which 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; and

ii) The waste is generated from an industrial process which 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 which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for 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.

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), including phosphate rock and overburden from the mining of uranium ore.

8) Cement kiln dust waste.

9) Solid waste which consists of discarded wood or wood products which fails the test for the characteristic of EP toxicity and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

c) Hazardous wastes which are exempted from certain regulations. A hazardous waste which 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 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), a sample of solid waste or a sample of water, soil or air, which 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 725. The sample qualifies when:

A) The sample is being transported to a laboratory for the purpose of testing; or

B) The sample is being transported back to the sample collector after testing; or

C) The sample is being stored by the sample collector before transport to a laboratory for testing; or

D) The sample is being stored in a laboratory before testing; or

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) and (B), a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

A) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

B) Comply with the following requirements if the sample collector determines that DOT, 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).

(Source: Amended at 11 Ill. Reg. , effective)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.

b) Except for those wastes identified in subsections (e), (f),(g) and (j), a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j).

c) Hazardous waste that is not subject to regulation or that is subject only to 35 Ill. Adm Code 722.111, 722.112, 722.140(c) and 722.141 is not included in the quantity determinations of this Part and 35 Ill. Adm. Code 722 through 726 and is not subject to any requirements of those Parts. Hazardous waste that is subject to the requirements of Section 721.106(b) and (c) and 35 Ill. Adm. Code 726.Subparts C, D and F is included in the quantity determinations of this Part and is subject to the requirements of this Part and 35 Ill.

Adm. Code 722 through 726.

d) In determining the quantity of hazardous waste it generates, a generator need not include:

1) Hazardous waste when it is removed from on-site storage; or

2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or,

3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726, and the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

1) A total of one kilogram of acute hazardous wastes listed in Sections 721.131, 721.132 or 721.133(e); or

2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in Sections 721.131, 721.132 or 721.133(e).

f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) to be excluded from full regulation under this Section, the generator must comply with the following requirements:

1) 35 Ill. Adm. Code 722.111.

2) The generator may accumulate acute hazardous waste on-site. If it accumulates at any time acute hazardous wastes in quantities greater than set forth in subsections (e)(1) or (e)(2), all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site

begins when the accumulated wastes exceed the applicable exclusion limit.

3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:

A) Permitted under 35 Ill. Adm. Code 703;

B) In interim status under 35 Ill. Adm. Code 703 and 725;

C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved by USEPA;

D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or

E) A facility which:

i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or

ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

1) 35 Ill. Adm. Code 722.111;

2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726, and the applicable notification requirements of Section 3010 of the Resource Conservation and Recovery

Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;

3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment or disposal facility, either of which, if located in the United States, is:

A) Permitted under 35 Ill. Adm. Code 702 and 703;

B) In interim status under 35 Ill. Adm. Code 703 and 725;

C) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under 40 CFR 271 (1985);

D) Permitted, licensed or registered by a State to manage municipal or industrial solid waste; or

E) A facility which:

i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or

ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation.

h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.

i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.

j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 726.Subpart E, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined

to be burned for energy recovery.

(Source: Amended at 11 Ill. Reg. , effective)

Section 721.106 Requirements for Recyclable Materials

a)

1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c), except for the materials listed in subsections (a)(2) and (a)(3). Hazardous wastes that are recycled will be known as "recyclable materials".

2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through G and all applicable provisions in 35 Ill. Adm. Code 702, 703 and 705.

A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);

B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O (35 Ill. Adm. Code 726.Subpart D.)

C) Used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers or industrial furnaces that are not regulated under 35 Ill. Adm. Code 724 or 725.Subpart O. (35 Ill. Adm. Code 726. Subpart E);

D) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);

E) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).

3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, or 702, 703 or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

A) Industrial ethyl alcohol that is reclaimed~~,~~ except that, unless provided otherwise in an international agreement as specified in 35

Ill. Adm. Code 722.158:

i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6) and (b), and 722.157, shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgement of Consent as defined in 35 Ill. Adm. Code 722.Subpart E, and shall provide a copy of the USEPA Acknowledgement of Consent to the shipment to the transporter transporting the shipment for export;

ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows the shipment does not conform to the USEPA Acknowledgement of Consent, shall ensure that a copy of the USEPA Acknowledgement of Consent accompanies the shipment and shall ensure that it is delivered to the facility designated by the person initiating the shipment.

B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

C) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery; or

D) Scrap metal.

E) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production and transportation practices;

F) Oil reclaimed from hazardous waste resulting from normal petroluem refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

G) Coke and coal tar from the iron and steel industry that contains hazardous waste from the iron and steel production process:

H) i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production or transportation practices, or produced from oil reclaimed from such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes, where such hazardous wastes are used to produced the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

I) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in Subpart C.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a).

c) 1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35

Ill. Adm. Code 724 and 725.Subparts A through L, and 702, 703 and 705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a). (The recycling process itself is exempt from regulation.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a).

A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.

B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART D: LISTS OF HAZARDOUS WASTES

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

~~Industry and~~ EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Wood Preservation:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
	Inorganic Pigments:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the	(T)

	production of iron blue pigments.	
K008	Oven residue from the production of chrome oxide green pigments.	(T)
	Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetrontrile column in the production of acrylontrile.	(T)
K014	Bottoms from the acetontrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from	(T)

	the production of 1,1,1-trichloroethane.	
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitroluene.	(T)
K114	Vicinals from the purification of toluene-diamine in the production of toluenediamine via hydrogenation of dinitrotolune.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

Inorganic Chemicals:

K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)

Pesticides:

K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)

Explosives:

K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)

Petroleum Refining:

K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)

K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)

Iron and Steel:

K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of ~~plants that produce iron and steel~~ facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)

Secondary Lead:

K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)

Veterinary Pharmaceuticals:

K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organoarsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)

Ink Formulation:

K086	Solvent washes and sludges, casutic 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.	(T)

Coking:

K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)

(Source: Amended at 11 Ill. Reg. , effective)

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

PART 722
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SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
722.170 Farmers

Appendix A Form-Annual Report (EPA Form 8700-13) (Repealed)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. , effective .

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsections (d),(e) or (f), a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:

1) The waste is placed in containers and the generator complies with 35 Ill. Adm. Code 725.Subpart I or the waste is placed in tanks and the generator complies with 35 Ill. Adm. Code 725.Subpart J except 35 Ill. Adm. Code ~~725.293~~ 725.297(c) and 725.300. In addition, such a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214;

2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and

4) The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725.Subparts C and D and with 35 Ill. Adm. Code 725.116.

b) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act.

c) 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) provided the generator:

A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a); and

B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c)(1) at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a) or other applicable provisions of this chapter. During the three day period the generator must continue to comply with subsection (c)(1). The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

d) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

1) The quantity of waste accumulated on-site never exceeds 6000 kilograms~~.~~;

2) The generator complies with the requirements of ~~subsection (a)(1)~~ 35 Ill. Adm. Code 725.Subpart I, except the generator need not comply with 35 Ill. Adm. Code 725.276~~.~~;

3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;

~~3~~4) The generator complies with the requirements of subsections (a)(2) and (a)(3) and the requirements of 35 Ill. Adm. Code 725.Subpart C; and

~~4~~5) The generator complies with the following requirements:

A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(4)(D). The employee is the emergency coordinator.

B) The generator shall post the following information next to the telephone:

i) The name and telephone number of the emergency coordinator:

ii) Location of fire extinguishers and spill control material, and if present, fire alarm: and

iii) The telephone number of the fire department, unless the facility has a direct alarm.

C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies:

D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

i) In the event of a fire, call the fire

department or attempt to extinguish it using a fire extinguisher:

ii) In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil:

iii) In the event of a fire, explosion or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800/424-8802). The report must include the following information: the name, address and USEPA identification number (35 Ill. Adm. Code 722.112) of the generator; date, time and type of incident (e.g., spill or fire); quantity and type of hazardous waste involved in the incident; extent of injuries, if any; and, estimated quantity and disposition of recoverable materials, if any.

e) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the requirements of subsection (d).

f) A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste, or offer the waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 **unless the generator has been granted an extension to** the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary and uncontrollable circumstances, the generator may seek an extension of up to 30 days by

means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART D: RECORDKEEPING AND REPORTING

Section 722.141 Annual Reporting

a) A generator who ships ~~his~~ any hazardous waste ~~offsite must~~ off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:

1) The USEPA identification number, name and address of the generator;

2) The calendar year covered by the report;

3) The USEPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the year; ~~for exported shipments, the report must give the name and address of the foreign facility.~~

4) The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States.

5) A description, USEPA hazardous waste number (from 35 Ill. Adm. Code 721.Subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by USEPA identification number of each off-site facility to which waste was shipped.

6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.

7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

8) The certification signed by the generator or the generator's authorized representative.

b) Any generator who treats, stores~~,~~ or disposes of hazardous waste on-site must submit an annual report covering those wastes in accordance with the provisions of 35 Ill. Adm. Code 702, 703, 724, 725 and ~~40 CFR 266~~ 726. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth at Section 722.156.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART E: ~~SPECIAL CONDITIONS~~ EXPORTS OF HAZARDOUS WASTE

Section 722.150 ~~International Shipments~~ Applicability

~~a) Any person who exports hazardous waste to a foreign country or imports hazardous waste from a foreign county into the United States must comply with the requirements of this Part and with the special requirements of this Section.~~

~~b) When shipping hazardous waste outside the United States, the generator must:~~

~~1) Notify the Administrator and Agency in writing four weeks before the initial shipment of hazardous waste to each county in each calendar year;~~

~~A) The waste must be identified by its EPA hazardous waste identification number and its DOT shipping description.~~

~~B) The name and address of the foreign consignee must be included in this notice.~~

~~C) These notices must be sent to the Office of International Activities (A-106), United States Environmental Protection Agency, Washington, D.C. 20460 and to the Illinois Environmental Protection Agency.~~

~~2) Require that the foreign consignee confirm the delivery of the waste in foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose;~~

~~3) Meet the requirements under Section 722.120 for the manifest, except that:~~

~~A) In place of the name, address and EPA~~

~~identification number of the designated facility, the name and address of the foreign consignee must be used;~~

~~B) The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.~~

~~4) Obtain the manifest form from the Agency.~~

~~c) A generator must file an exception report, if:~~

~~1) He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was adopted by the initial transporter, or~~

~~2) Within 90 days from the date the waste was accepted by the initial transporter, the generator has not received written confirmation from the foreign consignee that the hazardous waste was received.~~

~~d) Any person exporting hazardous waste identified or listed in 35 Ill. Adm. Code 721 shall file with the Administrator and the Agency, no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all such hazardous waste exported during the previous calendar year.~~

~~e) When importing hazardous waste, a person must meet all requirements of Section 722.120 for the manifest except that:~~

~~1) In place of the generator's name, address and EPA identification number, the name and address of the foreign generator and the importer's name, address and EPA identification number must be used.~~

~~2) In place of the generator's signature on the certification statement, the U.S. importer or the importer's agent must sign and date the certification and obtain the signature of the initial transporter.~~

~~f) A person who imports hazardous waste must obtain the manifest form from the Agency.~~

This Subpart establishes requirements applicable to exports of hazardous waste. Except to the extent Section 722.158 provides otherwise, a primary exporter of hazardous waste shall comply with the special requirements of this Subpart and a transporter transporting hazardous waste for export shall comply with

applicable requirements of 35 Ill. Adm. Code 723. Section 722.158 sets forth the requirements of international agreements between the United States and receiving countries which establish different notice, export and enforcement procedures for the transportation, treatment storage and disposal of hazardous waste for shipments between the United States and those countries.

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 722.151 ~~Farmers~~Definitions

~~A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Part or 35 Ill. Adm. Code 702, 703, 724 or 725 for such wastes, provided he triple rinses each emptied pesticide container in accordance with 35 Ill. Adm. Code 721.107(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.~~

In addition to the definitions set forth at 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart:

"Consignee" means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

"Primary Exporter" means any persons who is required to originate the manifest for a shipment of hazardous waste in accordance with Subpart B which specifies a treatment, storage or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

"Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

"Transit country" means any foreign country, other than a receiving country, through which a hazardous waste is transported.

"USEPA Acknowledgment of Consent" means the cable sent to USEPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 722.152 General Requirements

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this Subpart and 35 Ill. Adm. Code 723. Exports of hazardous waste are prohibited unless:

a) Notification in accordance with Section 722.153 has been provided;

b) The receiving country has consented to accept the hazardous waste;

c) A copy of the USEPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).

d) The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the USEPA Acknowledgment of Consent.

(Source: Added at 11 Ill. Reg. , effective)

Section 722.153 Notification of Intent to Export

a) The Board incorporates by reference 40 CFR 262.53 (1986), as amended at 51 Fed. Reg. 28682. This Part incorporates no future editions or amendments.

b) A primary exporter of hazardous waste shall notify USEPA in accordance with 40 CFR 262.53.

c) The primary exporter shall send the Agency a copy of the notice sent to USEPA pursuant to subsection (b).

(Source: Added at 11 Ill. Reg. , effective)

Section 722.154 Special Manifest Requirements

a) The Board incorporates by reference 40 CFR 262.54 (1986), as amended at 51 Fed. Reg. 28682. This Part incorporates no future editions or amendments.

b) A primary exporter shall comply with the manifest requirements as specified in 40 CFR 262.54.

c) The primary exporter shall send a copy of the manifest to the Agency.

(Source: Added at 11 Ill. Reg. , effective)

Section 722.155 Exception Report

a) The Board incorporates by reference 40 CFR 262.55 (1986), as amended at 51 Fed. Reg. 28682. This Part incorporates no future editions or amendments.

b) In lieu of the requirements of Section 722.142, a primary exporter shall file an exception report with USEPA as provided by 40 CFR 262.55.

c) The primary exporter shall send a copy of the exception report to the Agency.

(Source: Added at 11 Ill. Reg. , effective)

Section 722.156 Annual Reports

a) The Board incorporates by reference 40 CFR 262.56 (1986), as amended at 51 Fed. Reg. 28682. This Part incorporates no future editions or amendments.

b) Primary exporters of hazardous waste shall file with USEPA, no later than March 1 of each year, a report as specified in 40 CFR 262.56.

c) The primary exporter shall send the Agency a copy of the report sent to USEPA.

(Source: Added at 11 Ill. Reg. , effective)

Section 722.157 Recordkeeping

a) The Board incorporates by reference 40 CFR 262.57 (1986), as amended at 51 Fed. Reg. 28682. This Part incorporates no future editions or amendments.

b) For all exports a primary exporter shall comply with the recordkeeping requirements of 40 CFR 262.57.

(Source: Added at 11 Ill. Reg. , effective)

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section 722.160 Imports of Hazardous Waste

a) Any person who imports hazardous waste from a foreign country into the United States shall comply with the requirements of this Part and the special requirements of this Subpart.

b) When importing hazardous waste, a person shall meet all

the requirements of Section 722.120(a) for the manifest except that:

1) In place of the generator's name, address and USEPA identification number, the name and address of the foreign generator and the importer's name, address and USEPA identification number must be used.

2) In place of the generator's signature on the certification statement, the United States importer or the importer's agent shall sign and date the certification and obtain the signature of the initial transporter.

c) A person who imports hazardous waste must obtain the manifest form as provided in Section 722.121.

(Source: Added at 11 Ill. Reg. , effective)

SUBPART G: FARMERS

Section 722.170 Farmers

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Part or 35 Ill. Adm. Code 702, 703, 724 or 725 for such wastes, provided he triple rinses each emptied pesticide container in accordance with 35 Ill. Adm. Code 721.107(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

(Source: Added at 11 Ill. Reg. , effective)

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

PART 723
STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
723.110 Scope
723.111 USEPA Identification Number
723.112 Transfer Facility Requirements

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section
723.120 The Manifest System
723.121 Compliance with the Manifest
723.122 Recordkeeping

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section
723.130 Immediate Action
723.131 Discharge Clean Up

AUTHORITY: Authorized by Section 27 and implementing Section 22.4 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1027 and 1022.4).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. , effective .

SUBPART B: COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

Section 723.120 The Manifest System

a) A transporter ~~may~~ shall not accept hazardous waste from a generator unless it is accompanied by a manifest~~,~~ signed ~~by the generator~~ in accordance with the provisions of 35 Ill. Adm. Code 722. In the case of exports, a transporter shall not accept such waste from a primary exporter or other person:

1) If the transporter knows the shipment does not conform with the USEPA Acknowledgement of Consent (as defined in 35 Ill. Adm. Code 722.151); and

2) Unless, in addition to a manifest signed in accordance with 35 Ill. Adm. Code 722.120, the waste is also accompanied by a USEPA Acknowledgement of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).

b) Before transporting the hazardous waste, the transporter ~~must~~ shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter ~~must~~ shall return a signed copy ~~of~~ to the generator before leaving the generator's property.

c) The transporter ~~must~~ shall ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter shall ensure that a copy of the USEPA Acknowledgement of Consent also accompanies the hazardous waste.

d) A transporter who delivers a hazardous waste to another transporter or to the designated facility ~~must~~ shall:

1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

2) Retain one copy of the manifest in accordance with Section 723.122; and

3) Give the remaining copies of the manifest to the accepting transporter or designated facility.

e) The requirements of subsections (c), (d) and (f) do not apply to water (bulk shipment) transporters if:

1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and

2) A shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) accompanies the hazardous waste and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste; and

3) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator designated facility on either the manifest

or the shipping paper; and

4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with Section 723.122.

f) For shipments involving rail transportation, the requirements of subsections (c), (d) and (e) do not apply and the following requirements do apply:

1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter ~~must~~ shall:

A) Sign and date the manifest acknowledging acceptance of the hazardous waste;

B) Return a signed copy of the manifest to the non-rail transporter;

C) Forward at least three copies of the manifest to:

i) The next non-rail transporter, if any; or,

ii) The designated facility, if the shipment is delivered to that facility by rail; or

iii) The last rail transporter designated to handle the waste in the United States;

D) Retain one copy of the manifest and rail shipping paper in accordance with Section 723.122.

2) Rail transporters ~~must~~ shall ensure that a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator certification and signatures) and, for exports, a USEPA Acknowledgement of Consent accompanies the hazardous waste at all times.

(Board Note~~:~~ -- ~~-~~:Intermediate rail transporters are not required to sign either the manifest or shipping paper.)

3) When delivering hazardous waste to the designated facility, a rail transporter ~~must~~ shall:

A) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

B) Retain a copy of the manifest or signed shipping paper in accordance with Section 723.122.

4) When delivering hazardous waste to a non-rail transporter a rail transporter ~~must~~ shall:

A) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

B) Retain a copy of the manifest in accordance with Section 723.122.

5) Before accepting hazardous waste from a rail transporter, a non-rail transporter ~~must~~ shall sign and date the manifest and provide a copy ~~of~~ to the rail transporter.

g) Transporters who transport hazardous waste out of the United States ~~must~~ shall:

1) ~~i~~ Indicate on the manifest the date the hazardous waste left the United States; and

2) ~~s~~ Sign the manifest and retain one copy in accordance with Section 723.122(c); and

3) ~~r~~ Return a signed copy of the manifest to the generator; and

4) Give a copy of the manifest to a United States Customs official at the point of departure from the United States.

h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this Section or those of Section 723.122 provided that:

1) The waste is being transported pursuant to a reclamation agreement provided for in 35 Ill. Adm. Code 722.120(e);

2) The transporter records, on a log or shipping paper, the following information for each shipment:

A) The name, address~~,~~ and USEPA Identification Number (35 Ill. Adm. Code 722.112) of the generator of the waste;

B) The quantity of waste accepted;

C) All shipping information required by the United States Department of Transportation;

D) The date the waste is accepted; and

3) The transporter carries this record when transporting waste to the reclamation facility; and

4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

(Source: Amended at 11 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 (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1022.4 and 1027).

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. , effective ; amended in R86-46 at 11 Ill. Reg. , effective .

SUBPART B: GENERAL FACILITY STANDARDS

Section 724.115 General Inspection Requirements

a) The owner or operator must conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator must inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing, or may lead to:

1) Release of hazardous waste constituents to the environment; or

2) A threat to human health.

b)

1) The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

2) The owner or operator must keep this schedule at the facility.

3) The schedule must identify the types of problems

(e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in Sections 724.274, ~~724.294,~~ 724.293, 724.295, 724.326, 724.353, 724.354, 724.403, and 724.447, where applicable.

(Board Note: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.)

c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator must record inspections in an inspection log or summary. The owner or operator must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

a) The owner or operator must 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(s) and date(s) of its treatment, storage or disposal at the facility as required by Appendix A;

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 performed as specified in Sections 724.113, 724.117, 724.414 and 724.441;

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 where required by Subpart F or Sections 724.291, 724.293, 724.295, 724.326, 724.353, 724.354, 724.376, 724.378, 724.380, 724.403, 724.409 or 724.447.

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 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 which minimizes the persent and future threat to human health and the environment.

(Source: Amended at 11 Ill. Reg. , effective)

Section 724.175 Annual Report

The owner or operator ~~must~~ shall prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

a) The USEPA identification number, name and address of the facility;

b) The calendar year covered by the report;

c) For off-site facilities, the USEPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by USEPA identification number of each generator;

e) The method of treatment, storage or disposal for each hazardous waste;

g) The most recent closure cost estimate under Section 724.242, and, for disposal facilities, the most recent post-closure cost estimate under Section 724.244; and

h) For generators which treat, store or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated.

i) For generators which treat, store or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for years prior to 1984.

j) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

(Source: Amended at 11 Ill. Reg. ,

effective)

SUBPART G: CLOSURE AND POST-CLOSURE

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; and

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 724.328 or 724.358.

3) Tank systems which are required under Section 724.297 to meet the requirements for landfills.

(Source: Amended at 11 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, and

2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that these sections are amde applicable to such facilities in Sections 724.328 and 724.358.

3) Tank systems which are required under Section 724.297 to meet the requirements for landfills.

c) States and Federal government are exempt from the requirements of this Subpart.

(Source: Amended at 11 Ill. Reg. , effective)

Section 724.247 Liability Requirements

a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in subsections (a)(1), (a)(2) and (a)(3):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the corporate guarantee for liability coverage as specified in subsections (f) and (g).

3) An owner or operator may demonstrate the required liability coverage through use of ~~both~~ the financial test, insurance, the corporate guarantee, a combination of the financial test and insurance or a combination of the corporate guarantee and insurance ~~as these mechanisms are specified in this Section~~. The amount~~s~~ of coverage demonstrated must total at least the minimum amounts required by this ~~paragraph~~ subsection.

b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least $3 million per occurrence with an annual aggregate of at least $6 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in subsections (b)(1), (b)(2), and (b)(3):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in Section 724.251. The wording of the certificate of insurance must be as specified in Section 724.251. The owner or operator must shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy. An owner or operator of a new facility shall submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the Certificate of Liability Insurance to the Agency at least 60

days before the date on which hazardous waste is first received for treatment, storage or disposal. The insurance must be effective before this initial receipt of hazardous waste.

B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer in one or more states.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the corporate guarantee for liability coverage as specified in subsections (f) and (g).

3) An owner or operator may demonstrate the required liability coverage through use of ~~both~~ the financial test, insurance, the corporate guarantee, a combination of the financial test and insurance or a combination of the corporate guarantee and insurance~~ as these mechanisms are specified in this Section~~. The amounts of coverage demonstrated must total at least the minimum amounts required by this paragraph.

~~4) For existing facilities, the required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business, in the fiscal year preceding the effective date of these regulations, will determine which of the dates applies. If the owner and operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will determine the date by which the coverage must be demonstrated. The dates are as follows:~~

~~A) For an owner or operator with sales or revenues totalling $10 million or more, January 15, 1983.~~

~~B) For an owner or operator with sales or revenues greater than $5 million but less than $10 million, January 15, 1984.~~

~~C) All other owners or operators, January 15, 1985.~~

c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the

Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted to the Agency as part of the application under 35 Ill. Adm. Code 703.182 for a facility that does not have a permit, or pursuant to the procedures for permit modification under 35 Ill. Adm. Code 705.128 for a facility that has a permit. If granted, the modification will take the form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). Any request for an adjusted level of required liability coverage for a permitted facility will be treated as a request for a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) as may be necessary to protect human health and the environment. This adjusted level shall be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which shall not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under 35 Ill. Adm. Code 702.184(e)(3) and 705.128.

e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

f) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that it passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator shall have:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and

ii) Tangible net worth of at least $10 million; and

iii) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

B) The owner or operator shall have:

i) A current rating for its most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth of at least $10 million; and

iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and

iv) Assets in the United States amounting to either: at least 90 percent of the total assets; or at least six times the amount of liability coverage to be demonstrated

by this test.

2) The phrase "amount of liability coverage" as used in subsection (f)(1) refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b).

3) To demonstrate that it meets this test, the owner or operator shall submit the following three items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in Section 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by Sections 724.243(f), 724.245(f), 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in Section 724.251 to cover both forms of financial responsibility; a separate letter as specified in Section 724.251 is not required.

B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

4) An owner or operator of a new facility shall submit the items specified in subsection (f)(3) to the Agency at least 60 days before the date on which hazardous waste is first received for treatment, storage or disposal.

5) After the initial submission of items specified in subsection (f)(3), the owner of operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.

g) Corporate guarantee for liability coverage.

1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "corporate guarantee." The guarantor must be the parent corporation of the owner or operator. The guarantor must meet the requirements for owners and operators in subsections (f)(1) through (f)(7). The wording of the corporate guarantee must be as specified in Section 724.251. A certified copy of the corporate guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). The terms of the corporate guarantee must provide that:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurences (or both as the case may be), arising from the operation of facilities covered by this corporate guarantee, or fails

to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee shall not be terminated unless and until the Agency approves alternate liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.

2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The guarantor submits to the jurisdiction of Illinois courts for purposes of enforcement of the gurantee.

(Source: Amended at 11 Ill. Reg. , effective)

Section 724.251 Wording of the Instruments

The Board incorporates by reference 40 CFR 264.151 ~~(1985), as amended at 51 Fed. Reg. 16443, May 2, 1986~~(1986), as amended at 51 Fed. Reg. 25354, July 11, 1986. This Section incorporates no later amendments or editions. The Agency shall promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency shall reject any financial assurance document which is not submitted on such standardized forms.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART J: TANKS SYSTEMS

Section 724.290 Applicability

~~a)~~
The ~~regulations in~~requirements of this Subpart apply to owners and operators of facilities that use tanks ~~to treat or store~~ systems for treating or storing hazardous waste, except as

otherwise provided in subsections (a) or (b) or in Section 724.101. ~~and paragraph (b) provide otherwise.~~

~~b) The regulations in this Subpart do not apply to facilities that treat or store hazardous waste in covered underground tanks that cannot be entered for inspection.~~

a) Tanks that are used to store or treat hazardous waste which contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in Section 724.293. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes Physical/Chemical Methods "EPA Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111, must be used.

b) Tanks, including sumps as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 724.293.

(Source: Amended at 11 Ill. Reg. , effective)

Section 724.291 ~~Design of Tanks~~Assessment of Existing Tank System's Integrity

~~Tanks must have sufficient shell strength and, for closed tanks, pressure controls (e.g., vents) to assure that they do not collapse or rupture. The Agency will review the design of the tanks, including the foundation, structural support, seams and pressure controls. The Agency shall require that a minimum shell thickness be maintained at all times to ensure sufficient shell strength. Factors to be considered in establishing minimum thickness include the width, height and materials of construction of the tank, and the specific gravity of the waste which will be placed in the tank. In reviewing the design of the tank and establishing a minimum thickness, the Agency shall rely upon appropriate industrial design standards and other available information.~~

a) For each existing tank system that does not have secondary containment meeting the requirements of Section 724.293, the owner or operator shall determine either that the tank system is not leaking or that it is unfit for use. Except as provided in subsection (c), the owner or operator shall by January 12, 1988, obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with 35

Ill. Adm. Code 702.126(d), that attests to the tank system's integrity.

b) This assessment must determine whether the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated, to ensure that it will not collapse, rupture or fail. At a minimum, this assessment must consider the following:

1) Design standard(s), if available, according to which the tank and ancillary equipment were constructed;

2) Hazardous characteristics of the waste(s) that have been and will be handled;

3) Existing corrosion protection measures;

4) Documented age of the tank system, if available (otherwise an estimated of the age); and

5) Results of a leak test, internal inspection or other tank integrity examination such that:

A) For non-enterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets and high water table effects, and

B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), that addresses cracks, leaks, corrosion and erosion.

(Board Note: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting other than a leak test.)

c) Tank systems that store or treat materials that become hazardous wastes subsequent to July 14, 1986, must conduct this assessment within 12 months after the date

that the waste becomes a hazardous waste.

d) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the owner or operator shall comply with the requirements of Section 724.296.

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 724.292 ~~General Operating Requirements~~Design and Installation of New Tank Systems or Components

~~a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the construction material of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion or abrasion through the use of:~~

~~1) An inner lining or coating which is compatible with the waste or material and which is free of leaks, cracks, holes or other deterioration; or~~

~~2) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors);~~

~~b) The owner or operator must use appropriate controls and practices to prevent overfilling. This must include:~~

~~1) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and~~

~~2) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action, or by precipitation.~~

a) Owners or operators of new tank systems or components shall obtain and submit to the Agency, at time of submittal of Part B information, a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The assessment must show that the foundation, structural support, seams, connections and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated and corrosion protection to ensure that it will not collapse, rupture or fail. This assessment, which will be used by the Agency to review and approve or disapprove the acceptability of the tank system design,

must include, at a minimum, the following information:

1) Design standard(s) according to which tank(s) and/or the ancillary equipment are constructed;

2) Hazardous characteristics of the waste(s) to be handled;

3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of:

A) Factors affecting the potential for corrosion, including but not limited to:

i) Soil moisture content;

ii) Soil pH;

iii) Soil sulfide level;

iv) Soil resistivity;

v) Structure to soil potential;

vi) Influence of nearby underground metal structures (e.g., piping);

vii) Existence of stray electric current;

viii) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

i) Corrosion-resistant materials of construction such as special alloys, fiberglass reinforced plastic, etc.;

ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

iii) Electrical isolation devices such as insulating joints, flanges, etc.

(Board Note: The practices described in

the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85) Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in providing corrosion protection for tank systems.)

4) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

5) Design considerations to ensure that:

A) Tank foundations will maintain the load of a full tank;

B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is placed in a saturated zone, or is located within a seismic fault zone subject to the standards of Section 724.118(a); and

C) Tank systems will withstand the effects of frost heave.

b) The owner or operator of a new tank system shall ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing or placing a new tank system or component in use, an independent qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

1) Weld breaks;

2) Punctures;

3) Scrapes of protective coatings;

4) Cracks;

5) Corrosion;

6) Other structural damage or inadequate construction/installation. All discrepancies must be remedied before the tank system is covered, enclosed or placed in use.

c) New tank systems or components that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed or placed into use.

e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction.

(Board Note: The piping system installation procedures described in API Publication 1615, "Installation of Underground Petroleum Storage Systems", or American National Standards Institute (ANSI) Standard B31.3, "Petroleum Refinery Piping", and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used where applicable, as guidelines for proper installation of piping systems.)

f) The owner or operator shall provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under subsection (a)(3), or other corrosion protection if the Agency determines that other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

g) The owner or operator shall obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of subsections (b) through (f), that attest that the tank system was properly designed and installed and that repairs, pursuant to subsections (b) and (d), were performed.

These written statements must also include the certification statement as required in 35 Ill. Adm. Code 702.126(d).

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 724.293 Containment and Detection of Releases

a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary containment that meets the requirements of this Section must be provided (except as provided in subsection (f) and (g)).

1) For all new tank systems or components, prior to their being put into service;

2) For all existing tank systems used to store or treat Hazardous Waste Numbers F020, F021, F022, F023, F026 or F027, as defined in 35 Ill. Adm. Code 721.131, within two years after January 12, 1987;

3) For those existing tank systems of known and documented age, within two years after January 12, 1987, or when the tank system has reached 15 years of age, whichever comes later;

4) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, whichever comes later; and

5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in subsections (a)(1) through (a)(4), except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.

b) Secondary containment systems must be:

1) Designed, installed and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the tank system; and

2) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

c) To meet the requirements of subsection (b), secondary containment systems must be at a minimum:

1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions and the stress of daily operation (including stresses from nearby vehicular traffic);

2) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression or uplift;

3) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the owner or operator demonstrates, by way of permit application, to the Agency that existing detection technologies or site conditions will not allow detection of a release within 24 hours; and

4) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator demonstrates to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

(Board Note: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to a Publicly Owned Treatment

Work (POTW), it is subject to the requirements of Section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR 302 (1986).

d) Secondary containment for tanks must include one or more of the following devices:

1) A liner (external to the tank);

2) A vault;

3) A double-walled tank; or

4) An equivalent device as approved by the Board in an adjusted standards proceeding.

e) In addition to the requirements of subsections (b), (c) and (d), secondary containment systems must satisfy the following requirements:

1) External liner systems must be:

A) Designed or operated to contain 100 percent of the capacity of the largest tank within its boundary.

B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system, unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.

C) Free of cracks or gaps; and

D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e. capable of preventing lateral as well as vertical migration of the waste).

2) Vault systems must be:

A) Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;

B) Designed or operated to prevent run-on or infiltration of precipitation into the

secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) Constructed with chemical-resistant water stops in place at all joints (if any);

D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

i) Meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or

ii) Meets the definition of reactive waste under 35 Ill. Adm. Code 721.123, and may form an ignitable or explosive vapor;

F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) Double-walled tanks must be:

A) Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

C) Provided with a built-in continuous leak detection system capable of detecting a release within 24 hours, or at the earliest practicable time, if the owner or operator demonstrates, by way of permit application, to the Agency that the existing detection technology or site conditions would not allow detection of a release within 24 hours.

(Board Note: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks",

incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.)

f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of subsections (b) and (c), except for:

1) Aboveground piping (exclusive of flanges, joints, valves and other connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints and welded connections, that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps, that are visually inspected for leaks on a daily basis; and

4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

g) Pursuant to Section 28.1 of the Environmental Protection Act, and in accordance with 35 Ill. Adm. Code 106, Subpart D, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2).

1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The nature and quantity of the wastes;

B) The proposed alternate design and operation;

C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and groundwater; and

D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to migrate to groundwater or surface water.

2) When determining whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The potential adverse effects on groundwater, surface water and land quality taking into account:

i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

ii) The hydrogeological characteristics of the facility and surrounding land;

iii) The potential for health risk caused by human exposure to waste constituents;

iv) The potential for damage to wildlife, crops, vegetation and physical structures caused by exposure to waste constituents; and

v) The persistence and permanence of the potential adverse effects.

B) The potential adverse effects of a release on groundwater quality, taking into account;

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The proximity and withdrawal rates of groundwater users;

iii) The current and future uses of groundwater in the area; and

iv) The existing quality of groundwater,

including other sources of contamination and their cumulative impact on the groundwater quality.

C) The potential adverse effects of a release on surface water quality, taking into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The patterns of rainfall in the region;

iii) The proximity of the tank system to surface waters;

iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and

v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality.

D) The potential adverse effect of a release on the land surrounding the tank system, taking into account:

i) The patterns of rainfall in the region; and

ii) The current and future uses of the surrounding land.

3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system but which has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), shall:

A) Comply with the requirements of Section 724.296, except Section 724.296(d), and

B) Decontaminate or remove contaminated soil to the extent necessary to:

i) Enable the tank system for which the alternative design and operating practices were granted to resume operation with the capability for the

detection of releases at least equivalent to the capability it had prior to the release; and

ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, and

C) If contaminated soil cannot be removed or decontaminated in accordance with subsection (g)(3)(B), comply with the requirement of Section 724.297(b).

4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system and which has migrated beyond the zone of engineering control (as established in the alternative design and operating practices), shall:

A) Comply with the requirements of Section 724.296(a),(b),(c) and (d); and

B) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator shall comply with the requirements of Section 724.297(b); and

C) If repairing, replacing or reinstalling the tank system, provide secondary containment in accordance with the requirements of subsections (a) through (f), or make the alternative design and operating practices demonstration to the Board again, and meet the requirements for new tank systems in Section 724.292 if the tank system is replaced. The owner or operator shall comply with these requirements even if contaminated soil is decontaminated or removed and groundwater or surface water has not been contaminated.

h) In order to make an alternative design and operating practices, the owner or operator shall follow the following procedures in addition to those specified in 35 Ill. Adm. Code 106.Subpart D:

1) The owner or operator shall file a petition for approval of alternative design and operating

practices according to the following schedule:

A) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with subsection (a).

B) For new tank systems, at least 30 days prior to entering into a contract for installation.

2) As part of the petition, the owner or operator shall also submit to the Board:

A) A description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in subsections (g)(1) or (g)(2); and

B) The portion of the Part B permit application specified in 35 Ill. Adm Code 703.202.

3) The owner or operator shall complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.

4) The Agency shall issue or modify the RCRA permit so as to require the permittee to construct and operate the tank system in the manner that was provided in any Board order approving alternative design and operating practices.

i) All tank systems, until such time as secondary containment that meets the requirements of this Section is provided, must comply with the following:

1) For non-enterable underground tanks, a leak test that meets the requirements of Section 724.291(b)(5) or other tank integrity methods, as approved or required by the Agency, must be conducted at least annually.

2) For other than non-enterable underground tanks, the owner or operator must either:

A) Conduct a leak test as in subsection (i)(1), or

B) Develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to

detect obvious cracks, leaks and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection and the characteristics of the waste being stored or treated.

3) For ancillary equipment, a leak test or other integrity assessment as approved by the Agency must be conducted at least annually.

(Board Note: The practices described in the API Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines for assessing the overall condition of the tank system.)

4) The owner or operator shall maintain on file at the facility a record of the results of the assessments conducted in accordance with subsections (i)(1) through (i)(3).

5) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (1)(3), the owner or operator shall comply with the requirements of Section 724.296.

(Source: Added at 11 Ill. Reg. , effective)

Section 724.294 ~~Inspections~~General Operating Requirements

~~a) The owner or operator must inspect:~~

~~1) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;~~

~~2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;~~

3) For uncovered tanks, the level of waste in the tank, at least once each operating day, to ensure compliance with Section 724.292(b)(2);

4) The construction materials of the aboveground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

5) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

b) As part of the inspection schedule required in Section 724.115(b) and in addition to the specific requirements of paragraph (a), the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion or erosion which may lead to cracks or leaks, or wall thinning to less than the thickness required under Section 724.291. Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections and the characteristics of the waste being treated or stored.

c) 1) As part of the contingency plan required under Subpart B, the owner or operator must specify the procedures for use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

(Board Note: As required in Section 724.115(c), the owner or operator must remedy any leak, crack or wall thinning in violation of Section 724.291, or equipment or process malfunction in violation of Section 724.291, or equipment or process malfunction in violation of Section 724.292, which are discovered during inspection. See 29 CFR 1910.94(d)(11) for Occupational Safety and Health Administration requirements relating to entry of tanks for inspection.)

2) For hazardous wastes numbers F020, F021, F022, F023, F026 and F027, the contingency plan must also include the procedures for responding to a spill or leak of these wastes from tanks into a containment system. These procedures must include measures for

~~immediate removal of the waste from the system and replacement or repair of the leaking tank.~~

a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment or the containment system to rupture, leak, corrode or otherwise fail.

b) The owner or operator shall use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:

1) Spill prevention controls (e.g., check valves, dry disconnect couplings);

2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff or bypass to a standby tank); and

3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

c) The owner or operator shall comply with the requirements of Section 724.296 if a leak or spill occurs in the tank system.

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 724.295 Inspections

a) The owner or operator shall develop and follow a schedule and procedure for inspecting overfill controls.

b) The owner or operator shall inspect at least once each operating day:

1) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

2) Data gathered from monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

3) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

(Board Note: Section 724.115(c) requires the owner

or operator to remedy any deterioration or malfunction the owner or operator finds. Section 724.296 requires the owner or operator to notify the Agency within 24 hours of confirming a leak. Also 40 CFR 302 (1986) may require the owner or operator to notify the National Response Center of a release.)

c) The owner or operator shall inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

2) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

(Board Note: The practices described in the NACE Standard, RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.)

d) The owner or operator shall document in the operating record of the facility an inspection of those items in subsections (a) through (c).

(Source: Added at 11 Ill. Reg. , effective)

Section 724.296 Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator shall satisfy the following requirements:

a) Cease using; prevent flow or addition of wastes. The owner or operator shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of waste from tank system or secondary

containment system.

1) If the release was from the tank system, the owner or operator shall, within 24 hours after detection of the leak or as otherwise provided in the permit, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or as otherwise provided in the permit to prevent harm to human health and the environment.

c) Containment of visible releases to the environment. The owner or operator shall immediately conduct a visual inspection of the release and, based upon that inspection:

1) Prevent further migration of the leak or spill to soils or surface water; and

2) Remove, and properly dispose of, any visible contamination of the soil or surface water.

d) Notifications, reports.

1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours of its detection.

2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:

A) Less than or equal to a quantity of one (1) pound and

B) Immediately contained and cleaned-up.

3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:

A) Likely route of migration of the release;

B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available

within 30 days, these data must be submitted to the Agency as soon as they become available.

D) Proximity to downgradient drinking water, surface water and populated areas; and

E) Description of response actions taken or planned.

e) Provision of secondary containment, repair or closure.

1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 724.297.

2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 724.293 before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subparagraph, that component must satisfy the requirements of new tank systems or components in Sections 724.292 and 724.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with Section 724.293 prior to being returned to use.

f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner, repair or a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent, qualified, registered professional engineer, in accordance with 35 Ill. Adm. Code 702.126(d), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Agency within seven days after returning the tank system to use.

(Board Note: See Section 724.115(c) for the requirements necessary to remedy a failure. Also, 40 CFR 302 (1986) may require the owner or operator to notify the National Response Center of certain releases.)

(Source: Added at 11 Ill. Reg. , effective)

Section 724.297 Closure and Post-Closure Care

~~At closure, all hazardous waste and hazardous waste residues must be removed from tanks, discharge control equipment and discharge confinement structures.~~

~~(Board Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with 35 Ill. Adm. Code 721.103(d) that the solid waste removed from a tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725.)~~

a) At closure of a tank system, the owner or operator shall remove or decontaminate all waste residues, containmented containment system components (liners, etc.), contaminated soils and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure and financial responsibility for tank systems must meet all of the requirements specified in Subparts G and H.

b) If the owner or operator demonstrates to the Agency by way of permit application that not all contaminated soils can be practicably removed or decontaminated as required in subsection (a), then the owner or operator shall close the tank system and perform post-closure

care in accordance with the closure and post-closure care requirements that apply to landfills (Section 724.410). In addition, for the purposes of closure, post-closure and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator shall meet all of the requirements for landfills specified in Subparts G and H.

c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of Section 724.193(b) through (f), and has not been granted alternative design and operating practices for secondary containment requirements in accordance with Section 724.293(g), then:

1) The closure plan for the tank system must include both a plan for complying with subsection (a) and a contingent plan for complying with subsection (b).

2) A contingent post-closure plan for complying with subsection (b) must be prepared and submitted as part of the permit application.

3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under subsection (a).

4) Financial assurance must be based on the cost estimates in subsection (c)(3).

5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure and financial responsibility requirements for landfills under Subparts G and H.

(Source: Amended at 11 Ill. Reg. , effective)

Section 724.298 Special Requirements for Ignitable or Reactive Waste

a) Ignitable or reactive waste must not be placed in a tank systems unless:

1) The waste is treated, rendered or mixed before or immediately after placement in the tank system so that:

A) The resulting waste, mixture or ~~dissolution of~~ dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and

B) Section 724.117(b) is complied with; or

2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

3) The tank is used solely for emergencies.

b) The owner or operator of a facility ~~which treats or stores~~where ignitable or reactive waste ~~in covered tanks~~ is stored or treated in a tank must comply with the ~~buffer zone requirements for tanks contained~~requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys or an adjoining property line that can be built upon as required.in tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," ~~(1977 or 1981),~~ (incorporated by reference~~, see~~ in 35 Ill. Adm. Code 720.111).

(Source: Amended at 11 Ill. Reg. , effective)

Section 724.299 Special Requirements for Incompatible Wastes

a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank system, unless Section 724.117(b) is complied with.

b) Hazardous waste must not be placed in ~~an unwashed tank~~ a tank system which has not been decontaminated and which previously held an incompatible waste or material, unless Section 724.117(b) is complied with.

~~(Board Note: As required by Section 724.113, the waste analysis plan must include analyses needed to comply with Section 724.299. Also, Section 724.117(c) requires waste analyses, trial tests or other documentation to ensure compliance with Section 724.117(b). As required by Section 724.173, the owner or operator must place the results of each waste analysis and trial test, and any documented information, in the operating record of the facility.)~~

(Source: Amended at 11 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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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; 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. , effective ; amended in R86-46 at 11 Ill. Reg. , effective .

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

a)

1) Before an owner or operator treats, stores or disposes of any hazardous waste, ~~he must~~ the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Part.

2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

(Board Note: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with ~~-paragraph-~~subsection (a)(1). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by ~~-paragraph-~~subsection (a)(1). If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.)

3) The analysis must be repeated as necessary to insure that it is accurate and up-to-date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste has changed; and

B) For off-site facilities, when the results of the inspection required in ~~-paragraph-~~subsection (a)(4) indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

4) The owner or operator of an off-site facility ~~-must-~~shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator ~~-must-~~shall develop and follow a written waste analysis plan which describes the procedures which ~~-he-~~the owner or operator will carry out to comply with ~~-paragraph-~~subsection (a). ~~-He must-~~The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

1) The parameters for which each hazardous waste will

be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with ~~-paragraph-~~ subsection (a)

2) The test methods which will be used to test for these parameters;

3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A or

B) An equivalent sampling method.

(Board Note: See 35 Ill. Adm. Code 720.120(c) for related discussion.)

4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date;

5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply; and

6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections ~~-725.293,-~~ 725.300, 725.325, 725.352, 725.373, 725.414, 725.445, 725.475 and 725.502.

c) For off-site facilities, the waste analysis plan required in ~~-paragraph-~~ subsection (b) must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

1) The procedures which will be used to determine the identity of each movement of waste managed at the facility; and

2) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.115 General Inspection Requirements

a) The owner or operator ~~must~~ shall inspect ~~his~~ the facility for malfunctions and deterioration, operator errors and discharges which may be causing -- or may lead to -- the conditions listed below. The owner or operator ~~must~~ shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

1) Release of hazardous waste constituents to the environment or

2) A threat to human health.

b)

1) The owner or operator ~~must~~ shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

2) ~~He must~~ The owner or operator shall keep this schedule at the facility.

3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in ~~§§~~ Sections 725.274, ~~725.294,~~ 725.293, 725.295, 725.326, 725.447, 725.477 and 725.503.

c) The owner or operator ~~must~~ shall remedy any deterioration or malfunction of equipment or structure which the inspection reveals on a schedule which ensures

that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator ~~must~~ shall record inspections in an inspection log or summary. ~~He must~~ The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date and nature of any repairs or other remedial actions.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.173 Operating Record

a) The owner or operator ~~must~~ shall keep a written operating record at ~~his~~ 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(s) and date(s) of its treatment, storage or disposal at the facility as required by Appendix A;

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 Sections 725.219, 725.379 and 725.409 for related requirements.)

3) Records and results of waste analysis and trial tests performed as specified in Sections 725.113, ~~725.293~~, 725.300 725.325, 725.352, 725.373, 725.414, 725.441, 725.475 and 725.502;

4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);

5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);

6) Monitoring, testing or analytical data where required by Sections 725.190, 725.194, 725.291, 725.293, 725.295, 725.376, 725.378, 725.380(d)(1), 725.447 and 725.477; and

(Board Note: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.)

7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.175 Annual Report

The owner and operator ~~must~~ shall prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form and instructions supplied by the Agency must be used for this report. The annual report must cover facility activities during the previous calendar year and must include the following information:

a) The USEPA identification number (Section 725.111), name and address of the facility;

b) The calendar year covered by the report;

c) For off-site facilities, the USEPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;

d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities this information must be listed by USEPA identification number of each generator;

e) The method of treatment, storage or disposal for each hazardous waste;

f) Monitoring data under Section 725.194(a)(2)(B) and (C) and (b)(2) where required;

g) The most recent closure cost estimate under Section 725.242 and for disposal facilities the most recent post-closure cost estimate under Section 725.244;- ~~and~~-

h) For generators which treat, store or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated;

i) For generators which treat, store or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for years prior to 1984; and

j) The certification signed by the owner or operator of the facility or ~~his~~ the owner or operator's authorized representative.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART G: CLOSURE AND POST-CLOSURE

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; and

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 725.328 or 725.358;

3) Tank systems which are required under Section 725.297 to meet requirements for landfills.

(Source: Amended at 11 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 725.244~~,~~ ~~725.245,~~ and 725.246 apply only to owners and operators of disposal facilities and tank systems that are required under Section 725.297 to meet the requriements for landfills.

c) States and the Federal Government are exempt from the requirements of this Subpart.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.247 Liability Requirements

a) Coverage for sudden accidental occurrences. An owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in subsections (a)(1), (a)(2) and (a)(3):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.

B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the corporate guarantee for liability coverage as specified in subsections (f) and (g).

3) An owner or operator may demonstrate the required liability coverage through use of ~~-both-~~the financial test, insurance, the corporate guarantee, a combination of the financial test and insurance or a combination of the corporate guarantee and insurance~~- as these mechanisms are specified in this Section-~~. The amounts of coverage demonstrated must total at least the minimum amounts required by this ~~-paragraph-~~ subsection.

b) Coverage for nonsudden accidental occurrences. An owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of at least $3 million per occurrence with an annual aggregate of at least $6 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in subsections (b)(1), (b)(2), and (b)(3):

1) An owner or operator may demonstrate the required liability coverage by having liability insurance as specified in this paragraph.

A) Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidence by a Certificate of Liability Insurance. The wording of the endorsement must be as specified in 35 Ill. Adm. Code 724.251. The wording of the certificate of insurance must be as specified in 35 Ill. Adm. Code 724.251. The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the Agency. If requested by the Agency, the owner or operator shall provide a signed duplicate original of the insurance policy.

B) Each insurance policy must be issued by an insurer which, at a minimum, is licensed to transact the business of insurance, or

eligible to provide insurance as an excess or surplus lines insurer in one or more states.

2) An owner or operator may meet the requirements of this Section by passing a financial test or using the corporate guarantee for liability coverage as specified in subsections (f) and (g).

3) An owner or operator may demonstrate the required liability coverage through use of ~~both~~ the financial test, insurance, the corporate guarantee, a combination of the financial test and insurance or a combination of the corporate guarantee and insurance ~~as these mechanisms are specified in this Section~~. The amounts of coverage must total at least the minimum amounts required by this paragraph.

~~4) The required liability coverage for nonsudden accidental occurrences must be demonstrated by the dates listed below. The total sales or revenues of the owner or operator in all lines of business, in the fiscal year preceding the effective date of these regulations, will determine which of the dates applies. If the owner and operator of a facility are two different parties, or if there is more than one owner or operator, the sales or revenues of the owner or operator with the largest sales or revenues will determine the date by which the coverage must be demonstrated. The dates are as follows:~~

~~A) For an owner or operator with sales or revenues totalling $10 million or more, January 15, 1983.~~

~~B) For an owner or operator with sales or revenues greater than $5 million but less than $10 million, January 15, 1984.~~

~~C) All other owners or operators, January 15, 1985.~~

c) Request for adjusted level of required liability coverage. If an owner or operator demonstrates to the Agency that the levels of financial responsibility required by subsections (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the owner or operator may obtain an adjusted level of required liability coverage from the Agency. The request for an adjusted level of required liability coverage must be submitted in writing to the Agency. If granted, the Agency's action will take the

form of an adjusted level of required liability coverage, such level to be based on the Agency assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The Agency may require an owner or operator who requests an adjusted level of required liability coverage to provide such technical and engineering information as is necessary to determine a level of financial responsibility other than that required by subsection (a) or (b). The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

d) Adjustments by the Agency. If the Agency determines that the levels of financial responsibility required by subsection (a) or (b) are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility or group of facilities, the Agency shall adjust the level of financial responsibility required under subsection (a) or (b) as may be necessary to protect human health and the environment. This adjusted level shall be based on the Agency's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the Agency determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill or land treatment facility, the Agency may require that an owner or operator of the facility comply with subsection (b). An owner or operator shall furnish to the Agency, within a time specified by the Agency in the request, which shall not be less than 30 days, any information which the Agency requests to determine whether cause exists for such adjustments of level or type of coverage. The Agency shall process any request for an adjusted level of required liability coverage as if it were a permit modification request under 35 Ill. Adm. Code 702.184(e)(3) and 705.128. Notwithstanding any other provision, the Agency shall hold a public hearing whenever it finds, on the basis of requests, a significant degree of public interest in a tentative decision to grant an adjusted level of required liability insurance. The Agency may also hold a public

hearing at its discretion whenever such a hearing might clarify one or more issues involved in the tentative decision.

e) Period of coverage. Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that final closure has been completed in accordance with the approved closure plan, the Agency shall notify the owner or operator in writing that the owner or operator is no longer required by this Section to maintain liability coverage for that facility, unless the Agency determines that closure has not been in accordance with the approved closure plan.

f) Financial test for liability coverage.

1) An owner or operator may satisfy the requirements of this Section by demonstrating that the owner or operator passes a financial test as specified in this paragraph. To pass this test the owner or operator shall meet the criteria of subsection (f)(1)(A) or (f)(1)(B):

A) The owner or operator shall have:

i) Net working capital and tangible net worth each at least six times the amount of liability coverage to be demonstrated by this test; and

ii) Tangible net worth of at least $10 million; and

iii) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

B) The owner or operator shall have:

i) A current rating for the owner or operator's most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's, or Aaa, Aa, A or Baa as issued by Moody's; and

ii) Tangible net worth of at least $10 million; and

iii) Tangible net worth at least six times the amount of liability coverage to be demonstrated by this test; and

iv) Assets in the United States amounting to either: at least 90 percent of total assets; or at least six times the amount of liability coverage to be demonstrated by this test.

2) The phrase "amount of liability coverage" as used in subsection (f)(1) refers to the annual aggregate amounts for which coverage is required under subsections (a) and (b).

3) To demonstrate that the owner or operator meets this test, the owner or operator shall submit the following three items to the Agency:

A) A letter signed by the owner's or operator's chief financial officer and worded as specified in 35 Ill. Adm. Code 724.251. If an owner or operator is using the financial test to demonstrate both assurance for closure or post-closure care, as specified by 35 Ill. Adm. Code 724.243(f) and 724.245(f), or by Sections 725.243(e) and 725.245(e), and liability coverage, it shall submit the letter specified in 35 Ill. Adm. Code 724.251 to cover both forms of financial responsibility; a separate letter as specified in 35 Ill. Adm. Code 724.251 is not required.

B) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year.

C) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

i) The accountant has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

ii) In connection with that procedure, no matters came to the accountant's attention which caused the accountant to believe that the specified data should be adjusted.

5) After the initial submission of items specified in subsection (f)(3), the owner of operator shall send updated information to the Agency within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in subsection (f)(3).

6) If the owner or operator no longer meets the requirements of subsection (f)(1), the owner or operator shall obtain insurance for the entire amount of required liability coverage as specified in this Section. Evidence of insurance must be submitted to the Agency within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

7) The Agency may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in the accountant's report on examination of the owner's or operator's financial statements (see subsection (f)(3)(B)). An adverse opinion or a disclaimer of opinion will be cause for disallowance. The Agency shall evaluate other qualifications on an individual basis. The owner or operator shall provide evidence of insurance for the entire amount of required liability coverage as specified in this Section within 30 days after notification of disallowance.

g) Corporate guarantee for liability coverage.

1) Subject to subsection (g)(2), an owner or operator may meet the requirements of this Section by obtaining a written guarantee, referred to as a "corporate guarantee." The guarantor must be the parent corporation of the owner or operator. The guarantor must meet the requirements for owners and operators in subsections (f)(1) through (f)(7). The wording of the corporate guarantee must be as specified in Section 724.251. A certified copy of the corporate guarantee must accompany the items sent to the Agency as specified in subsection (f)(3). The terms of the corporate guarantee must provide that:

A) If the owner or operator fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden or nonsudden accidental occurences (or both as the case may be), arising from the operation of facilities covered by this corporate guarantee, or fails

to pay an amount agreed to in settlement of claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage.

B) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. The guarantee shall not be terminated unless and until the Agency approves alternate liability coverage complying with Section 724.247 or 35 Ill. Adm. Code 725.247.

2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:

A) The guarantee was signed in Illinois by an authorized agent of the guarantor;

B) The guarantee is governed by Illinois law; and

C) The guarantor submits to the jurisdiction of Illinois courts for purposes of enforcement of the guarantee.

(Source: Amended at 11 Ill. Reg. , effective)

SUBPART J: TANKS SYSTEMS

Section 725.290 Applicability

The regulations ~~in~~of this Subpart apply to owners and operators of facilities that use tanks ~~to treat or store~~ systems for storing or treating hazardous waste, except as ~~§725.101 provides~~ otherwise provided in subsections (a) or (b), or in Section 725.101.

a) Tanks that are used to store or treat hazardous waste containing no free liquids and that are situated inside a building with an impermeable floor are exempted from the requirements of Section 725.293. To demonstrate the absence or presence of free liquids in the stored/treated waste, USEPA Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication No. SW-846), incorporated by reference in 35 Ill. Adm. Code 720.111, must be used.

b) Tanks, including sumps, as defined in 35 Ill. Adm. Code 720.110, that serve as part of a secondary containment system to collect or contain releases of hazardous

wastes are exempted from the requirements in Section 725.293.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.291 Assessment of Existing Tank System's Integrity

a) For each existing tank system that does not have secondary containment meeting the requirements of Section 725.293, the owner or operator shall determine either that the tank system is not leaking or that it is unfit for use. Except as provided in subsection (c), the owner or operator shall, by January 12, 1988, obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), that attests to the tank system's integrity.

b) This assessment must determine whether the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated to ensure that it will not collapse, rupture or fail. At a minimum, this assessment must consider the following:

1) Design standard(s), if available, according to which the tank and ancillary equipment were constructed;

2) Hazardous characteristics of the waste(s) that have been or will be handled;

3) Existing corrosion protection measures;

4) Documented age of the tank system, if available, (otherwise, an estimate of the age); and

5) Results of a leak test, internal inspection or other tank integrity examination such that:

A) For non-enterable underground tanks, this assessment must consist of a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pocket and high water table effects.

B) For other than non-enterable underground tanks and for ancillary equipment, this assessment must be either a leak test, as described above, or an internal inspection and/or other tank integrity examination certified by an independent, qualified, registered

professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), that addresses cracks, leaks, corrosion and erosion.

(Board Note: The practices described in the American Petroleum Institute (API) Publication, Guide for Inspection of Refinery Equipment, Chapter XIII, "Atmospheric and Low-Pressure Storage Tanks, incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in conducting the integrity examination of an other than non-enterable underground tank system.)

c) Tank systems that store or treat materials that become hazardous wastes subsequent to July 14, 1986 must conduct this assessment within 12 months after the date that the waste becomes a hazardous waste.

d) If, as a result of the assessment conducted in accordance with subsection (a), a tank system is found to be leaking or unfit for use, the owner or operator shall comply with the requirements of Sections 725.296.

(Source: Added at 11 Ill. Reg. , effective)

Section 725.292 ~~General Operating Requirements~~Design and Installation of New Tank Systems or Components

~~a) Treatment or storage of hazardous waste in tanks must comply with §725.117(b).~~

~~b) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life.~~

~~c) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.~~

~~d) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or by-pass system to a stand-by tank).~~

~~Comment: These systems are intended to be used in the event of a leak or overflow from the tank due to a~~

~~system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.)~~

a) Owners and operators of new tank systems or components shall ensure that the foundation, structural support, seams, connections and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection so that it will not collapse, rupture or fail. The owner or operator shall obtain a written assessment reviewed and certified by an independent, qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. This assessment must include, at a minimum, the following information:

1) Design standard(s) according to which the tank(s) and ancillary equipment is or will be constructed.

2) Hazardous characteristics of the waste(s) to be handled.

3) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system is or will be in contact with the soil or with water, a determination by a corrosion expert of:

A) Factors affecting the potential for corrosion, including but not limited to:

i) Soil moisture content;

ii) Soil pH;

iii) Soil sulfides level;

iv) Soil resistivity;

v) Structure to soil potential;

vi) Influence of nearby underground metal structures (e.g., piping);

vii) Stray electric current;

viii) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

B) The type and degree of external corrosion protection that are needed to ensure the

integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

i) Corrosion-resistant materials of construction such as special alloys, or fiberglass-reinforced plastic;

ii) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

iii) Electrical isolation devices such as insulating joints and flanges, etc.

(Board Note: The practices described in the National Association of Corrosion Engineers (NACE) Standard. "Recommended Practice (RP-02-85) Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", and API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in providing corrosion protection for tank systems.)

4) For underground tank system components that are likely to be affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

5) Design considerations to ensure that:

A) Tank foundations will maintain the load of a full tank;

B) Tank systems will be anchored to prevent flotation or dislodgement where the tank system is placed in a saturated zone, or is located within a seismic fault zone; and

C) Tank systems will withstand the effects of frost heave.

b) The owner and operator of a new tank system shall ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing or placing a new tank

system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, shall inspect the system or component for the presence of any of the following items:

1) Weld breaks;

2) Punctures;

3) Scrapes of protective coatings;

4) Cracks;

5) Corrosion; and

6) Other structural damage or inadequate construction or installation. All discrepancies must be remedied before the tank system is covered, enclosed or placed in use.

c) New tank systems or components and piping that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is carefully installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

d) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed or placed in use.

e) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion or contraction.

(Board Note: The piping system installation procedures described in API Publication 1615, "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery Piping", incorporated by reference in 35 Ill. Adm. Code 720.111, may be used where applicable, as guidelines for proper installation of piping systems.)

f) The owner and operator shall provide the type and degree of corrosion protection necessary, based on the information provided under subsection (a)(3), to ensure the integrity of the tank system during use of the tanks

system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

g) The owner and operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of subsections (b) through (f) to attest that the tank system was properly designed and installed and that repairs, pursuant to subsections (b) and (d) were performed. These written statements must also include the certification statement as required in 35 Ill. Adm. Code 702.126(d).

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 725.293 ~~Waste Analysis and Trial Tests~~Containment and Detection of Releases

~~In addition to the waste analysis required by §725.113, whenever a tank is to be used to:~~

~~a) Chemically treat or store a hazardous waste which is substantially different from waste previously treated or stored in that tank; or~~

~~b) Chemically treat hazardous waste with a substantially different process than any previously used in that tank; the owner or operator must, to show that this proposed treatment or storage will meet all applicable requirements of §725.292(a) and (b), before treating or storing the different waste or using the different process:~~

~~1) Conduct waste analyses and trial treatment or storage tests (e.g., bench scale or pilot plant scale tests); or~~

~~2) Obtain written, documented information or similar operating conditions.~~

~~Comment: As required by §725.113, the waste analysis plan must include analyses needed to comply with §§725.298 and 725.299. As required by §725.173 the owner or operator must place the results from each waste analysis and trial test or the documented information in the operating record of the facility.~~

a) In order to prevent the release of hazardous waste or hazardous constituents to the environment, secondary

containment that meets the requirements of this Section must be provided (except as provided in subsections (f) and (g)).

1) For all new tank systems or components, prior to their being put into service;

2) For all existing tanks used to store or treat USEPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027, as defined in 35 Ill. Adm. Code 721.131, within two years after January 12, 1987;

3) For those existing tank systems of known and documentable age, within two years after January 12, 1987, or when the tank systems have reached 15 years of age, whichever come later;

4) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1987; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age or within two years of January 12, 1987, whichever comes later; and

5) For tank systems that store or treat materials that become hazardous wastes subsequent to January 12, 1987, within the time intervals required in subsections (a)(1) through (a)(4), except that the date that a material becomes a hazardous waste must be used in place of January 12, 1987.

b) Secondary containment systems must be:

1) Designed, installed and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater or surface water at any time during the use of the tank system; and

2) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

c) To meet the requirements of subsection (b), secondary containment systems must be at a minimum:

1) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and of sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic

conditions, the stress of installation and the stress of daily operation (including stresses from nearby vehicular traffic);

2) Placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and capable of preventing failure due to settlement, compression or uplift;

3) Provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing detection technology or site conditions will not allow detection of a release within 24 hours;

4) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

(Board Note: If the collected material is a hazardous waste under 35 Ill. Adm. Code 721, it is subject to management as a hazardous waste in accordance with all applicable requirements of 35 Ill. Adm. Code 722 through 725. If the collected material is discharged through a point source to waters of the State, it is subject to the NPDES permit requirement of Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. If discharged to Publicly Owned Treatment Works (POTW's), it is subject to the requirements of Section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR 302 (1986).)

d) Secondary containment for tanks must include one or more of the following devices:

1) A liner (external to the tank);

2) A vault;

3) A double-walled tank; or

4) An equivalent device as approved by the Board in an adjusted standards proceeding.

e) In addition to the requirements of subsections (b), (c) and (d), secondary containment systems must satisfy the following requirements:

1) External liner systems must be:

A) Designed or operated to contain 100 percent of the capacity of the largest tank within the liner system's boundary;

B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) Free of cracks or gaps; and

D) Designed and installed to completely surround the tank and to cover all surrounding earth likely to come into contact with the waste if released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

2) Vault systems must be:

A) Designed or operated to contain 100 percent of the capacity of the largest tank within the vault system's boundary;

B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event;

C) Constructed with chemical-resistant water stops in place at all joints (if any);

D) Provided with an impermeable interior coating

or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

i) Meets the definition of ignitable waste under 35 Ill. Adm. Code 721.121; or

ii) Meets the definition of reactive waste under 35 Ill. Adm. Code 721.123 and may form an ignitable or explosive vapor; and

F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

3) Double-walled tanks must be:

A) Designed as an integral structure (i.e., an inner tank within an outer shell) so that any release from the inner tank is contained by the outer shell;

B) Protected, if constructed of metal, from both corrosion of the primary tank interior and the external surface of the outer shell; and

C) Provided with a built-in continuous leak detection system capable of detecting a release within 24 hours or as otherwise provided in the RCRA permit if the operator has demonstrated to the Agency, by way of permit application, that the existing leak detection technology or site conditions will not allow detection of a release within 24 hours.

(Board Note: The provisions outlined in the Steel Tank Institute (STI) "Standard for Dual Wall Underground Steel Storage Tanks," incorporated by reference in 35 Ill. Adm. Code 720.111, may be used as guidelines for aspects of the design of underground steel double-walled tanks.)

f) Ancillary equipment must be provided with full secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of subsections (h) and (c) except for:

1) Aboveground piping (exclusive of flanges, joints, valves and connections) that are visually inspected for leaks on a daily basis;

2) Welded flanges, welded joints and welded connections that are visually inspected for leaks on a daily basis;

3) Sealless or magnetic coupling pumps that are visually inspected for leaks on a daily basis; and

4) Pressurized aboveground piping systems with automatic shut-off devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shut-off devices) that are visually inspected for leaks on a daily basis.

g) Pursuant to Section 28.1 of the Environmental Protection Act, and in accordance with 35 Ill. Adm. Code 106, Subpart D, an adjusted standard will be granted by the Board regarding alternative design and operating practices only if the Board finds either that the alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water at least as effectively as secondary containment during the active life of the tank system, or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not receive an adjusted standard from the secondary containment requirements of this Section through a justification in accordance with subsection (g)(2).

1) When determining whether to grant alternative design and operating practices based on a demonstration of equivalent protection of groundwater and surface water, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The nature and quantity of the waste;

B) The proposed alternate design and operation;

C) The hydrogeologic setting of the facility, including the thickness of soils between the tank system and groundwater; and

D) All other factors that would influence the quality and mobility of the hazardous constituents and the potential for them to

migrate to groundwater or surface water.

2) In deciding whether to grant alternative design and operating practices based on a demonstration of no substantial present or potential hazard, the Board will consider whether the petitioner has justified an adjusted standard based on the following factors:

A) The potential adverse effects on groundwater, surface water and land quality taking into account:

i) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

ii) The hydrogeological characteristics of the facility and surrounding land;

iii) The potential for health risks caused by human exposure to waste constituents;

iv) The potential for damage to wildlife; crops, vegetation and physical structures caused by exposure to waste constituents; and

v) The persistence and permanence of the potential adverse effects.

B) The potential adverse effects of a release on groundwater quality, taking into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The proximity and withdrawal rates of water in the area;

iii) The current and future uses of groundwater in the area; and

iv) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.

C) The potential adverse effects of a release on surface water quality, taking into account:

i) The quantity and quality of groundwater and the direction of groundwater flow;

ii) The patterns of rainfall in the region;

iii) The proximity of the tank system to surface waters;

iv) The current and future uses of surface waters in the area and water quality standards established for those surface waters; and

v) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality. And,

D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

i) The patterns of rainfall in the region; and

ii) The current and future uses of the surrounding land.

3) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the alternative design and operating practices), shall:

A) Comply with the requirements of Section 725.296, except Section 725.296(d); and

B) Decontaminate or remove contaminated soil to the extent necessary to:

i) Enable the tank system, for which alternative design and operating practices were granted, to resume operation with the capability for the detection of and response to releases at least equivalent to the capability it had prior to the release; and

ii) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water.

C) If contaminated soil cannot be removed or decontaminated in accordance with subsection

(g)(3)(B), comply with the requirements of Section 724.297(b).

4) The owner or operator of a tank system, for which alternative design and operating practices had been granted in accordance with the requirements of subsection (g)(1), at which a release of hazardous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the alternative design and operating practices, shall:

A) Comply with the requirements of Section 725.296(a),(b),(c) and (d); and

B) Prevent the migration of hazardous waste or hazardous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed, or if groundwater has been contaminated, the owner or operator shall comply with the requirements of Section 725.297(b);

C) If repairing, replacing or reinstalling the tank system, provide secondary containment in accordance with the requirements of subsections (a) through (f), or make the alternative design and operating practices demonstration to the Board again with respect to secondary containment and meet the requirements for new tank systems in Section 725.292 if the tank system is replaced. The owner or operator shall comply with these requirements even if contaminated soil is decontaminated or removed, and groundwater or surface water has not been contaminated.

h) In order to make an alternative design and operating practices demonstration, the owner or operator shall follow the following procedures, in addition to those specified in 35 Ill. Adm. Code 106, Subpart D:

1) The owner or operator shall file a petition for approval of alternative design and operating practices according to the following schedule:

A) For existing tank systems, at least 24 months prior to the date that secondary containment must be provided in accordance with subsection (a); and

B) For new tank systems, at least 30 days prior to entering into a contract for installation

of the tank system.

2) As part of the petition, the owner or operator shall also submit to the Board:

A) A description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in subsection (g)(1) or (g)(2); and

B) The portion of the Part B permit application specified in 35 Ill. Adm. Code 703.202.

3) The owner or operator shall complete its showing within 180 days after filing its petition for approval of alternative design and operating practices.

4) The Agency shall issue or modify the RCRA permit so as to require the permittee to construct and operate the tank system in the manner that was provided in any Board order approving alternative design and operating practices.

i) All tank systems, until such time as secondary containment meeting the requirements of this Section is provided, must comply with the following:

1) For non-enterable underground tanks, a leak test that meets the requirements of Section 725.291(b)(5) must be conducted at least annually;

2) For other than non-enterable underground tanks and for all ancillary equipment, an annual leak test, as described in subsection (i)(1), or an internal inspection or other tank integrity examination, by an independent, qualified, registered professional engineer, that addresses cracks, leaks, corrosion and erosion must be conducted at least annually. The owner or operator shall remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.

(Board Note: The practices described in API Publication, Guide for Inspection of Refining Equipment, Chapter XIII, "Atmospheric and Low Pressure Storage Tanks", incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, when applicable, as guidelines for assessing the overall condition of the tank system.)

3) The owner or operator shall maintain on file at the facility a record of the results of the assessments

conducted in accordance with subsections (i)(1) through (i)(3).

4) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in subsections (i)(1) through (i)(3), the owner or operator shall comply with the requirements of Section 725.296.

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 725.294 ~~Inspections~~General Operating Requirements

~~The owner or operator of a tank must inspect, where present:~~

~~a) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems and drainage systems) at least once each operating day to ensure that it is in good working order;~~

~~b) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day, to ensure that the tank is being operated according to its design;~~

~~c) The level of waste in the tank, at least once each operating day to ensure compliance with §725.292(c);~~

~~d) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly, to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).~~

~~Comment: As required by §725.115(c) the owner or operator must remedy any deterioration of malfunction he finds.~~

a) Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment or the secondary containment system to rupture, leak, corrode or otherwise fail.

b) The owner or operator shall use appropriate controls and practices to prevent spills and overflows from tank or secondary containment systems. These include at a minimum:

1) Spill prevention controls (e.g. check valves, dry disconnect couplings);

2) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff or bypass to a standby tank); and

3) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

c) The owner or operator shall comply with the requirements of Section 725.296 if a leak or spill occurs in the tank system.

(Source: Section repealed, new Section adopted at 11 Ill. Reg. , effective)

Section 725.295 Inspections

a) The owner or operator shall inspect, where present, at least once each operating day:

1) Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems and drainage systems) to ensure that it is in good working order;

2) The aboveground portion of the tank system, if any, to detect corrosion or releases of waste;

3) Data gathered from monitoring equipment, (e.g., pressure and temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

4) The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation);

(Board Note: Section 725.115(c) requires the owner or operator to remedy any deterioration or malfunction the owner or operator finds. Section 725.296 requires the owner or operator to notify the Agency within 24 hours of confirming a release. Also, 40 CFR 302 (1986) may require the owner or operator to notify the National Response Center of a release.

b) The owner or operator shall inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

1) The proper operation of the cathodic protection system must be confirmed within six months after initial installation, and annually thereafter; and

2) All sources of impressed current must be inspected and/or tested, as appropriate, at least every other month.

(Board Note: The practices described in NACE Standard, "Recommended Practice (RP-02-85), Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", API Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", incorporated by reference in 35 Ill. Adm. Code 720.111, may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.)

c) The owner or operator shall document in the operating record of the facility an inspection of those items in subsections (a) and (b).

(Source: Added at 11 Ill. Reg. , effective)

Section 725.296 Response to leaks or spills and disposition of Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately. The owner or operator shall satisfy the following requirements:

a) Cease using; prevent flow or addition of wastes. The owner or operator shall immediately stop the flow of hazardous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

b) Removal of waste from tank system or secondary containment system.

1) If the release was from the tank system, the owner or operator shall, within 24 hours after detection of the leak, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.

2) If the release was to a secondary containment system, all released materials must be removed within 24 hours to prevent harm to human health and the environment.

c) Containment of visible releases to the environment. The owner or operator shall immediately conduct a visual

inspection of the release and, based upon that inspection:

1) Prevent further migration of the leak or spill to soils or surface water; and

2) Remove, and properly dispose of, any visible contamination of the soil or surface water.

d) Notifications, reports.

1) Any release to the environment, except as provided in subsection (d)(2), must be reported to the Agency within 24 hours of detection.

2) A leak or spill of hazardous waste is exempted from the requirements of this paragraph if it is:

A) Less than or equal to a quantity of one (1) pound; and

B) Immediately contained and cleaned-up.

3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Agency:

A) Likely route of migration of the release;

B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

C) Results of any monitoring or sampling conducted in connection with the release, (if available). If sampling or monitoring data relating to the release are not available within 30 days, these data must be submitted to the Agency as soon as they become available.

D) Proximity to downgradient drinking water, surface water and population areas; and

E) Description of response actions taken or planned.

e) Provision of secondary containment, repair or closure.

1) Unless the owner or operator satisfies the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 725.297.

2) If the cause of the release was a spill that has

not damaged the integrity of the system, the owner or operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

3) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner or operator shall provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 725.293 before it is returned to service, unless the source of the leak is an aboveground portion of a tank system. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of subsection (f) are satisfied. If a component is replaced to comply with the requirements of this subpargraph, that component must satisfy the requirements for new tank systems or components in Sections 725.292 and 725.293. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with Section 725.293 prior to being returned to use.

f) Certification of major repairs. If the owner or operator has repaired a tank system in accordance with subsection (e), and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner or operator has obtained a certification by an independent qualified, registered professional engineer in accordance with 35 Ill. Adm. Code 702.126(d) that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the Agency within seven days after returning the tank system to use.

(Board Note: See Section 725.115(c) for the requirements necessary to remedy a failure. Also, 40 CFR 302 (1986) requires the owner or operator to notify the National Response Center of a release of any

"reportable quantity.")

(Source: Added at 11 Ill. Reg. , effective)

Section 725.297 Closure and Post-Closure Care

~~At closure, all hazardous waste and hazardous waste residues must be removed from tanks, discharge control equipment and discharge confinement structures.~~

~~Comment: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with §721.103 (c) or (d) that any solid waste removed from his tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 722, 723 and 725.~~

a) At closure of a tank system, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils and structures and equipment contaminated with waste, and manage them as hazardous waste, unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure and financial responsibility for tank systems must meet all of the requirements specified in Subparts G and H.

b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (a), then the owner or operator shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 725.410). In addition, for the purposes of closure, post-closure and financial responsbility, such a tank system is then considered to be a landfill, and the owner or operator shall meet all of the requirements of landfills specified in Subparts G and H.

c) If an owner or operator has a tank system which does not have secondary containment that meets the requirements of Section 725.293(b) through (f), and which is not exempt from the secondary containment requirements in accordance with Section 725.293(g), then:

1) The closure plan for the tank system must include both a plan for complying with subsection (a), and a contingent plan for complying with subsection (b);

2) A contingent post-closure plan for complying with

subsection (b) must be prepared and submitted as part of the permit application;

3) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if these costs are greater than the costs of complying with the closure plan prepared for the expected closure under subsection (a);

4) Financial assurance must be based on the cost estimates in subsection (c)(3); and

5) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure and financial responsibility requirements for landfills under Subparts G and H.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.298 Special Requirements for Ignitable or Reactive Waste

a) Ignitable or reactive waste must not be placed in a tank system, unless:

1) The waste is treated, rendered or mixed before or immediately after placement in the tank system so that

A) The resulting waste, mixture or ~~dissolution of~~ dissolved material no longer meets the definition of ignitable or reactive waste under ~~§§~~35 Ill. Adm. Code 721.121 or 721.123 and

B) Section 725.117(b) is complied with; or

2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

3) The tank system is used solely for emergencies.

b) The owner or operator of a facility ~~which treats or stores~~ where ignitable or reactive waste ~~in covered~~ is stored or tested in tanks ~~must~~ shall comply with the ~~buffer zone requirements for tanks contained~~ requirements for the maintenance of protective distances between the waste management area and any public ways,

streets, alleys or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," ~~(1977 or 1981),~~ incorporated by reference ~~See §~~ in 35 Ill. Adm. Code 720.111~~)~~.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.299 Special Requirements for Incompatible Wastes

a) Incompatible wastes or incompatible wastes and materials ~~(see Appendix V for examples)~~ must not be placed in the same tank system, unless ~~§~~Section 725.117(b) is complied with.

b) Hazardous waste must not be placed in ~~an unwashed tank~~ a tank system which has not been decontaminated and which previously held an incompatible waste or material, unless ~~§~~Section 725.117(b) is complied with.

(Source: Amended at 11 Ill. Reg. , effective)

Section 725.300 Waste Analysis and Trial Tests

In addition to performing the waste analysis required by Section 725.113, the owner or operator shall, whenever a tank system is to be used to treat chemically, or to store, a hazardous waste that is substantially different from waste previously treated or stored in that tank system; or to treat chemically a hazardous waste with a substantially different process than any previously used in that tank system:

a) Conduct waste analyses and trial treatment or storage tests (e.g., bench-scale or pilot-plant scale tests); or

b) Obtain written, documented information on similar waste under similar operating conditions to show that the proposed treatment or storage will meet the requirements of Section 725.294(a).

(Source: Added at 11 Ill. Reg. , effective)

Section 725.301 Generators of 100 to 1000 kg/mo.

a) The requirements of this Section apply to small quantity generators of more than 100 kg but less than 1000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and do not accumulate over 6,000 kg on-site

at any time.

b) Generators of between 100 and 1000 kg/mo hazardous waste shall comply with the following general operating requirements:

1) Treatment or storage of hazardous waste in tanks must comply with Section 725.117(b).

2) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail before the end of its intended life.

3) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g. dike or trench), a drainage control system or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

(Board Note - These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).)

c) Generators of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall inspect, where present:

1) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

3) The level of waste in the tank at least once each operating day to ensure compliance with Section 725.292(c);

4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

5) The construction materials of, and the area

immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

(Board Note: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction the owner or operator finds.)

d) Generators of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment and discharge confinement structures.

(Board Note: At closure, as throughout the operating period, unless the owner or operator demonstrates, in accordance with 35 Ill. Adm. Code 721.103(c) or (d), that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723 and 725.)

e) Generators of between 100 and 1000 kg/mo shall comply with the following special requirements for ignitable or reactive waste:

1) Ignitable or reactive waste must not be placed in a tank, unless:

A) The waste is treated, rendered or mixed before or immediately after placement in a tank so that;

i) The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and

ii) Section 725.117(b) is complied with; or

B) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

C) The tank is used solely for emergencies

2) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the

National Fire Protection Association's "Flammable and Combustible Liquids Code," incorporated by reference in 35 Ill. Adm. Code 720.111.

f) Generators of between 100 and 1000 kg/mo shall comply with the following special requirements for incompatible wastes:

1) Incompatible wastes, or incompatible wastes and materials (see Appendix E for examples) must not be placed in the same tank, unless Section 725.117(b) is complied with.

2) Hazardous waste must not be place in an unwashed tank which previously held an incompatible waste or material, unless Section 725.117(b) is complied with.

(Source: Added at 11 Ill. Reg. , effective)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16th day of July, 1987, by a vote of 6-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board