

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
720.104	New Section
720.105	New Section
720.109	Renumbered, Amendment
720.111	Amendment
720.130	Amendment
720.131	Amendment
720.142	Amendment
720.143	Amendment
- 4) Statutory Authority: 415 ILCS 5/7.2, 13, 22.4, and 27
- 5) A Complete Description of the Subjects and Issues Involved: The amendments to Part 720 are a single segment of the docket R19-3 rulemaking that also affects 35 Ill. Adm. Code 721 through 725. The R19-3 rulemaking updates the Illinois hazardous waste rules to incorporate amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2018: January 1, 2018 through June 30, 2018. A comprehensive description is contained in the Board's opinion and order of July 26, 2018, proposing amendments in docket R19-3, which opinion and order is available from the address below.

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Pollution Control Board

R19-3 further includes limited corrections and non-substantive stylistic revisions that the Board finds necessary. Some of these were included in the pending consolidated docket R17-14/R17-15/R18-11/R18-31 rulemaking, which appeared in the following issues of the *Illinois Register* as indicated in the answer to question 10 below.

The following briefly summarizes the federal actions in the update periods:

Hazardous Waste Manifest Revisions and e-Manifest System User Fees—January 3, 2018 (83 Fed. Reg. 420): USEPA revised hazardous waste manifest requirements and established a user fee system for the e-Manifest System in 40 C.F.R. 260 and 262 through 265. The Board incorporates most of these USEPA revisions into corresponding 35 Ill. Adm. Code 720 and 722 through 725. The Board does not incorporate segments of the USEPA revisions.

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DSWR Revisions – May 30, 2018 (83 Fed. Reg. 24664): USEPA revised the Definition of Solid Waste Rule (DSWR) in response to the vacatur in *American Petroleum Institute v. EPA*, 862 F.3d 50 (D.C. Cir. 2017), reh'g granted, 883 F.3d 918 (D.C. Cir. Mar. 6, 2018). Amendments to 40 C.F.R. 260 and 261 removed 2015 revisions to the DSWR, restoring segments of 2008 revisions. The Board makes corresponding changes in 35 Ill. Adm. Code 720 and 721.

Specifically, the amendments to Part 720 incorporate elements of the federal e-Manifest System user fees provisions, changes in the general hazardous waste manifest requirements, and the DSWR revisions. The Board makes several needed corrections in the text of the rules.

Tables appear in a document entitled "Identical-in-Substance Rulemaking Addendum (Proposed)" that the Board added to docket R19-3. The tables list the deviations from the literal text of the federal amendments and the several necessary corrections and stylistic revisions not directly derived from USEPA actions. Persons interested in the details of those deviations from the literal text should refer to the Identical-in-Substance Rulemaking Addendum (Proposed) in docket R19-3.

Sections 13 and 22.4 of the Environmental Protection Act [415 ILCS 5/13 and 22.4] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Does this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
720.101	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.102	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.103	Amendment	42 Ill. Reg. 9892; June 15, 2018

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720.104	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.110	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.111	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.120	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.121	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.122	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.134	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.142	Amendment	42 Ill. Reg. 9892; June 15, 2018
720.143	Amendment	42 Ill. Reg. 9892; June 15, 2018

11) Statement of Statewide Policy Objective: These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

12) Time, Place and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R19-3 and be addressed to:

Don A. Brown, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Please direct inquiries to the following person and reference docket R19-3:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph, 11-500
Chicago IL 60601

312/814-6924
e-mail: michael.mccambridge@illinois.gov

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

13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations disposing of industrial wastewaters into the sewage collection system of a publicly owned treatment works. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE G: WASTE DISPOSAL
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS
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6 PART 720
7 HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL
8

9 SUBPART A: GENERAL PROVISIONS
10

11 Section

- 12 720.101 Purpose, Scope, and Applicability
13 720.102 Availability of Information; Confidentiality of Information
14 720.103 Use of Number and Gender
15 720.104 Manifest Copy Submission Requirements for Certain Interstate Waste Shipments
16 720.105 Applicability of Electronic Manifest System and User Fee Requirements to
17 Facilities Receiving State-Only Regulated Waste Shipments
18 720.109~~104~~ Electronic Reporting
19

20 SUBPART B: DEFINITIONS AND REFERENCES
21

22 Section

- 23 720.110 Definitions
24 720.111 References
25

26 SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES
27

28 Section

- 29 720.120 Rulemaking
30 720.121 Alternative Equivalent Testing Methods
31 720.122 Waste Delisting
32 720.123 Petitions for Regulation as Universal Waste
33 720.130 Procedures for Solid Waste Determinations and Non-Waste Determinations
34 720.131 Solid Waste and Verified ~~Facility~~facility Determinations
35 720.132 Boiler Determinations
36 720.133 Procedures for Determinations
37 720.134 Non-Waste Determinations
38 720.140 Additional Regulation of Certain Hazardous Waste Recycling Activities on a
39 Case-by-Case Basis
40 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling
41 Activities
42 720.142 Notification Requirement for Hazardous Secondary Materials
43 720.143 Legitimate Recycling of Hazardous Secondary Materials

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

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-

87 2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg.
88 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013;
89 amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-
90 2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378,
91 effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015;
92 amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R19-2 at 42 Ill.
93 Reg. _____, effective _____.

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95 SUBPART A: GENERAL PROVISIONS

96
97 **Section 720.104 Manifest Copy Submission Requirements for Certain Interstate Waste**
98 **Shipments**

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100 Where the state in which waste is generated or the state in which waste will be transported to a
101 designated facility requires that the waste be regulated as a hazardous waste or otherwise be
102 tracked through a hazardous waste manifest, the designated facility that receives the waste must,
103 regardless of the state in which the designated facility is located must do all of the following:

- 104
- 105 a) Complete the facility portion of the applicable manifest;
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- 107 b) Sign and date the facility certification;
- 108
- 109 c) Submit to the e-Manifest System a final copy of the manifest for data processing
110 purposes; and
- 111
- 112 d) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the
113 e-Manifest System, subject to the fee determination methodology, payment
114 methods, dispute procedures, sanctions, and other fee requirements specified in
115 subpart FF of the applicable of 40 CFR 264 or 265, each incorporated by
116 reference in Section 720.111.
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118 (Source: Former Section 720.104 renumbered to Section 720.109; new Section 720.104
119 added at 42 Ill. Reg. _____, effective _____)

120
121 **Section 720.105 Applicability of Electronic Manifest System and User Fee Requirements to**
122 **Facilities Receiving State-Only Regulated Waste Shipments**

- 123
- 124 a) For purposes of this Section, "state-only regulated waste" means one of the
125 following:
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- 127 1) A waste that USEPA has not designated hazardous waste but which a state
128 more broadly regulates to require use of a manifest (USEPA Form 8700-
129 22) under its state regulatory program; or

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2) A waste that USEPA has designated hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

b) In any case in which a state requires a manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management must do both of the following:

1) Comply with 35 Ill. Adm. Code 724.171 (Use of Manifest System) and 724.172 (Manifest Discrepancies); and

2) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264, incorporated by reference in Section 720.111.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 720.109104 Electronic Reporting

a) Scope and Applicability.

1) The USEPA, the Board, or the Agency may allow for the submission of any document as an electronic document in lieu of a paper document. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

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- A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or
- B) For submissions of documents to the State, submissions may occur only under the following circumstances:
 - i) To the Board, into the Board's Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us. As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;
 - ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing. As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000 on or before October 13, 2007, or on or before such later date as USEPA has approved in writing as the extended deadline for submitting the application, the Board or the Agency may use that system until USEPA disapproves its use in writing; or
 - iii) The Board or the Agency may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.

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- 3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1) ~~of this Section~~:
- A) Any document submitted via facsimile;
 - B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or
 - C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.
- 4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B)(iii) ~~of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 (20172012).

- b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).
- c) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

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- 1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 720.111(b); and
- 2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A) ~~of this Section~~.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (20172012).

- d) Procedures for submission of electronic documents in lieu of paper documents to the Board or the Agency.
 - 1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].
 - 2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B) ~~of this Section~~.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (20172012).

- e) Effects of submission of an electronic document in lieu of paper documents.
 - 1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.
 - 2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.
 - 3) Proof that a particular signature device was used to create an electronic signature will suffice to establish that the individual uniquely entitled to use the device did so with the intent to sign the electronic document and give it effect.

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4) Nothing in this Section limits the use of electronic documents or information derived from electronic documents as evidence in enforcement or other proceedings.

BOARD NOTE: Subsection (e) ~~of this Section~~ is derived from 40 CFR 3.4 and 3.2000(c) (20172012).

f) Public document subject to State laws. Any electronic document filed with the Board is a public document. The document, its submission, its retention by the Board, and its availability for public inspection and copying are subject to various State laws, including, but not limited to, the following:

- 1) The Administrative Procedure Act ~~[5 ILCS 100]~~;
- 2) The Freedom of Information Act [5 ILCS 140];
- 3) The State Records Act [5 ILCS 160];
- 4) The Electronic Commerce Security Act [5 ILCS 175];
- 5) The Environmental Protection Act ~~[415 ILCS 5]~~;
- 6) Regulations relating to public access to Board records (2 Ill. Adm. Code 2175); and
- 7) Board procedural rules relating to protection of trade secrets and confidential information (35 Ill. Adm. Code 130).

g) Nothing in this Section or in any provisions adopted pursuant to subsection (d)(1) ~~of this Section~~ will create any right or privilege to submit any document as an electronic document.

BOARD NOTE: Subsection (g) ~~of this Section~~ is derived from 40 CFR 3.2(c) (20172012).

BOARD NOTE: Derived from 40 CFR 3, 145.11(a)(33), 271.10(b), 271.11(b), and 271.12(h) (20172012).

(Source: Renumbered from 720.104 and amended at 42 Ill. Reg. _____, effective _____)

SUBPART B: DEFINITIONS AND REFERENCES

341 **Section 720.111 References**

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

345

346 a) Non-Regulatory Government Publications and Publications of Recognized
347 Organizations and Associations:

348

349 ACGME. Available from the Accreditation Council for Graduate Medical
350 Education, 515 North State Street, Suite 2000, Chicago, IL 60654, 312-
351 755-5000:

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353 "Accreditation Council for Graduate Medical Education: Glossary
354 of Terms," March 19, 2009, referenced in 35 Ill. Adm. Code
355 722.300.

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

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

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364 ACI 318-83: "Building Code Requirements for Reinforced
365 Concrete," adopted November 1983, referenced in 35 Ill. Adm.
366 Code 724.673 and 725.543.

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

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371 See ASME/ANSI B31.3 and B31.4 and supplements below in this
372 subsection (a) under ASME.

373

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

376

377 "Cathodic Protection of Underground Petroleum Storage Tanks
378 and Piping Systems," API Recommended Practice 1632, Second
379 Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292,
380 724.295, 725.292, and 725.295.

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382 "Evaporative Loss from External Floating-Roof Tanks," API
383 publication 2517, Third Edition, February 1989, USEPA-approved

384 for 35 Ill. Adm. Code 721.983 and 725.984.
385
386 "Guide for Inspection of Refinery Equipment," Chapter XIII,
387 "Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981,
388 reaffirmed December 1987, referenced in 35 Ill. Adm. Code
389 721.291, 724.291, 724.293, 725.291, and 725.292.
390
391 "Installation of Underground Petroleum Storage Systems," API
392 Recommended Practice 1615, Fourth Edition, November 1987,
393 referenced in 35 Ill. Adm. Code 724.292.
394
395 ASME. Available from the American Society of Mechanical Engineers, 345 East
396 47th Street, New York, NY 10017, 212-705-7722:
397
398 "Chemical Plant and Petroleum Refinery Piping," ASME/ANSI B31.3-
399 1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in
400 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.
401
402 "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas,
403 Anhydrous Ammonia, and Alcohols," ASME/ANSI B31.4-1986, as
404 supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292
405 and 725.292. Also available from ANSI.
406
407 ASTM. Available from American Society for Testing and Materials, 100 Barr
408 Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585:
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424 Code 721.
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 428 Appendix A to 35 Ill. Adm. Code 721.
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 431 Design, and Construction Purposes," approved 1969, referenced in
 432 Appendix A to 35 Ill. Adm. Code 721.
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 436 Adm. Code 721.
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 439 Gas Chromatography," approved March 30, 1990, USEPA-approved for
 440 35 Ill. Adm. Code 724.933 and 725.933.
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 451 Naphthas and Aviation Gasolines by Gas Chromatography," approved
 452 November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and
 453 724.963.
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 463 Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963,
 464 and 725.963.
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 468 approved for 35 Ill. Adm. Code 721.121(a).
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471 Quantitative Analysis," approved May 27, 1988, USEPA-approved for 35
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487 of Plastics to Bacteria," referenced in 35 Ill. Adm. Code 724.414 and
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491 Printing Office, Washington, D.C. 20402, 202-512-1800:

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494 republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section
495 720.110.

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497 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"
498 USEPA publication number EPA-530/SW-846 (Third Edition, November
499 1986), as amended by Updates I (July 1992), II (November 1994), IIA
500 (August, 1993), IIB (January 1995), III (December 1996), IIIA (April
501 1998), and IIIB (November 2004) (document number 955-001-00000-1).
502 See below in this subsection (a) under NTIS.

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

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508 Submerged Liquid Storage Systems," NACE Recommended Practice
509 RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code
510 724.292, 724.295, 725.292, and 725.295.

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512 NFPA. Available from the National Fire Protection Association, 1 Batterymarch

513 Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:
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515 "Flammable and Combustible Liquids Code," NFPA 30, issued July 14,
516 (1984), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298,
517 725.301, 726.211, and 727.290.
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519 "Flammable and Combustible Liquids Code," NFPA 30, issued August 7,
520 (1987), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298,
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523 "Flammable and Combustible Liquids Code," NFPA 30, issued July 18,
524 (2003), as supplemented by TIA 03-1, issued July 15, (2004), and
525 corrected by Errata 30-03-01, issued August 13, (2004), referenced in 35
526 Ill. Adm. Code 721.298, 724.298, 725.298, 725.301, 726.211, and
527 727.290.
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529 NTIS. Available from the U.S. Department of Commerce, National Technical
530 Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-
531 6000 or 800-553-6847 (Internet address: www.ntis.gov):
532

533 "APTI Course 415: Control of Gaseous Emissions," December 1981,
534 USEPA publication number EPA-450/2-81-005, NTIS document number
535 PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211,
536 703.352, 724.935, and 725.935.
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538 BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training
539 Institute" (Internet address: www.epa.gov/air/oaqps/eog/).
540

541 "Generic Quality Assurance Project Plan for Land Disposal Restrictions
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543 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm.
544 Code 728.106.
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546 "Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and
547 Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar
548 Material) by Extraction and Gravimetry," Revision A, February 1999,
549 USEPA publication number EPA-821/R-98-002, NTIS document number
550 PB99-121949, or Revision B, February 2010, USEPA publication number
551 EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-
552 approved for Appendix I to 35 Ill. Adm. Code 721.
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554 BOARD NOTE: Also available on the Internet for free download as a
555 PDF document from the USEPA website at: water.epa.gov/scitech/

556 methods/cwa/methods_index.cfm. Revision A is also from the USEPA,
557 National Service Center for Environmental Publications (NSCEP) website
558 at www.epa.gov/nscep/index.html.
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560 "Methods for Chemical Analysis of Water and Wastes,"₂ Third Edition,
561 March 1983, USEPA document number EPA-600/4-79-020, NTIS
562 document number PB84-128677, referenced in 35 Ill. Adm. Code
563 725.192.
564

565 BOARD NOTE: Also available on the Internet as a viewable/printable
566 HTML document from the USEPA website at:
567 www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.
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569 "North American Industry Classification System,"₂ July 2007, U.S.
570 Department of Commerce, Bureau of the Census, document number
571 PB2007-100002 (hardcover printed volume) or PB2007-500023,
572 referenced in Section 720.110 (definition of "NAICS Code") for the
573 purposes of Section 720.142, and in 35 Ill. Adm. Code 721.104.
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575 BOARD NOTE: Also available on the Internet from the Bureau of
576 Census: www.census.gov/naics/2007/naicod07.htm.
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578 "Procedures Manual for Ground Water Monitoring at Solid Waste
579 Disposal Facilities,"₂ August 1977, EPA-530/SW-611, NTIS document
580 number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.
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582 "Screening Procedures for Estimating the Air Quality Impact of Stationary
583 Sources,"₂ October 1992, USEPA publication number EPA-454/R-92-019,
584 NTIS document number 93-219095, referenced in 35 Ill. Adm. Code
585 726.204 and 726.206.
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587 BOARD NOTE: Also available on the Internet for free download as a
588 WordPerfect document from the USEPA website at the following Internet
589 address: www.epa.gov/scram001/guidance/guide/scrng.wpd.
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591 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"₂
592 USEPA publication number EPA-530/SW-846 (Third Edition, November
593 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II
594 (November 1994), IIA (August 1993), IIB (January 1995), III (December
595 1996), IIIA (April 1998), and IIIB (November 2004) (document number
596 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill.
597 Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and
598 728.106 (in addition to the references cited below for specific methods):

599
600 Method 0010 (November 1986) (Modified Method 5 Sampling
601 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
602
603 Method 0011 (December 1996) (Sampling for Selected Aldehyde
604 and Ketone Emissions from Stationary Sources), USEPA-approved
605 for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35
606 Ill. Adm. Code 726.
607
608 Method 0020 (November 1986) (Source Assessment Sampling
609 System), USEPA-approved for Appendix I to 35 Ill. Adm. Code
610 721.
611
612 Method 0023A (December 1996) (Sampling Method for
613 Polychlorinated Dibenzo-p-Dioxins and Polychlorinated
614 Dibenzofuran Emissions from Stationary Sources), USEPA-
615 approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to
616 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.
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618 Method 0030 (November 1986) (Volatile Organic Sampling
619 Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
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621 Method 0031 (December 1996) (Sampling Method for Volatile
622 Organic Compounds (SMVOC)), USEPA-approved for Appendix
623 I to 35 Ill. Adm. Code 721.
624
625 Method 0040 (December 1996) (Sampling of Principal Organic
626 Hazardous Constituents from Combustion Sources Using Tedlar®
627 Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.
628
629 Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission
630 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm.
631 Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm.
632 Code 726.207.
633
634 Method 0051 (December 1996) (Midget Impinger HCl/Cl₂
635 Emission Sampling Train), USEPA-approved for Appendix I to 35
636 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35
637 Ill. Adm. Code 726.207.
638
639 Method 0060 (December 1996) (Determination of Metals in Stack
640 Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code

641 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code
642 726.206.

643
644 Method 0061 (December 1996) (Determination of Hexavalent
645 Chromium Emissions from Stationary Sources), USEPA-approved
646 for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code
647 726.206, and Appendix I to 35 Ill. Adm. Code 726.

648
649 Method 1010A (November 2004) (Test Methods for Flash Point by
650 Pensky-Martens Closed Cup Tester), USEPA-approved for
651 Appendix I to 35 Ill. Adm. Code 721.

652
653 Method 1020B (November 2004) (Standard Test Methods for
654 Flash Point by Setaflash (Small Scale) Closed-cup Apparatus),
655 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

656
657 Method 1110A (November 2004) (Corrosivity Toward Steel),
658 USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I
659 to 35 Ill. Adm. Code 721.

660
661 Method 1310B (November 2004) (Extraction Procedure (EP)
662 Toxicity Test Method and Structural Integrity Test), USEPA-
663 approved for Appendix I to 35 Ill. Adm. Code 721 and referenced
664 in Appendix I to 35 Ill. Adm. Code 728.

665
666 Method 1311 (November 1992) (Toxicity Characteristic Leaching
667 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
668 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for
669 Table T to 35 Ill. Adm. Code 728.

670
671 Method 1312 (November 1994) (Synthetic Precipitation Leaching
672 Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code
673 721.

674
675 Method 1320 (November 1986) (Multiple Extraction Procedure),
676 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

677
678 Method 1330A (November 1992) (Extraction Procedure for Oily
679 Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code
680 721.

681
682 Method 9010C (November 2004) (Total and Amenable Cyanide:
683 Distillation), USEPA-approved for Appendix I to 35 Ill. Adm.

684 Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148,
 685 referenced in Table H to 35 Ill. Adm. Code 728.

686
 687 Method 9012B (November 2004) (Total and Amenable Cyanide
 688 (Automated Colorimetric, with Off-Line Distillation)), USEPA-
 689 approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill.
 690 Adm. Code 728.140, 728.144, and 728.148, referenced in Table H
 691 to 35 Ill. Adm. Code 728.

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 693 Method 9040C (November 2004) (pH Electrometric
 694 Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122
 695 and Appendix I to 35 Ill. Adm. Code 721.

696
 697 Method 9045D (November 2004) (Soil and Waste pH), USEPA-
 698 approved for Appendix I to 35 Ill. Adm. Code 721.

699
 700 Method 9060A (November 2004) (Total Organic Carbon),
 701 USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35
 702 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and
 703 725.963.

704
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 706 (HEM) for Aqueous Samples), USEPA-approved for Appendix I
 707 to 35 Ill. Adm. Code 721.

708
 709 Method 9071B (April 1998) (n-Hexane Extractable Material
 710 (HEM) for Sludge, Sediment, and Solid Samples), USEPA-
 711 approved for Appendix I to 35 Ill. Adm. Code 721.

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 713 Method 9095B (November 2004) (Paint Filter Liquids Test),
 714 USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35
 715 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414,
 716 725.290, 725.414, 725.981, 727.290, and 728.132.

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 718 BOARD NOTE: Also available on the Internet for free download in
 719 segments in PDF format from the USEPA website at: [www.epa.gov/SW-](http://www.epa.gov/SW-846)
 720 846.

721
 722 OECD. ~~Organization~~ ~~Organisation~~ for Economic ~~Co-~~
 723 ~~operation~~ and Development, Environment Directorate, 2 rue Andre Pascal,
 724 F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org),
 725 also OECD Washington Center, 2001 L Street, NW, Suite 650,

Washington, DC 20036-4922, 202-785-6323 or 800-456-6323
(www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008):

~~"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20; C(2005)141 and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).~~

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention").

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of

769 Annexes II ("Categories of Wastes Requiring Special
770 Consideration") and VIII ("List A") to the Basel
771 Convention.
772

773 BOARD NOTE: The OECD Guidance Manual is available online
774 from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The
775 OECD and the Basel Convention consider the OECD Guidance
776 Manual unofficial text of these documents. Despite this unofficial
777 status, the Board has chosen to follow USEPA's lead and
778 incorporate the OECD Guidance Manual by reference, instead of
779 separately incorporating the OECD decision C(2001)107/FINAL
780 (with its subsequent amendments: OECD decisions
781 C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and
782 the Basel Convention by reference. Use of the OECD Guidance
783 Manual eases reference to the documents, increases access to the
784 documents, and facilitates future updates to this incorporation by
785 reference. All references to "OECD C(2001)107/FINAL" in the
786 text of 35 Ill. Adm. Code 722 refer to both the OECD decision and
787 the Basel Convention that the OECD decision references. The
788 OECD Guidance Manual includes as Annex A the full text of
789 OECD document C(2001)107/FINAL, with amendments, and
790 Annexes B and C set forth lists of wastes subject to Green control
791 procedures and wastes subject to Amber control procedures,
792 respectively, which consolidate the wastes from
793 C(2001)107/FINAL together with those from the Basel
794 Convention.
795

796 OECD Guideline for Testing of Chemicals, "Ready Biodegradability,"
797 Method 301B (July 17, 1992), "CO₂ Evolution (Modified Sturm Test),"
798 referenced in 35 Ill. Adm. Code 724.414.
799

800 STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL
801 60062, 708-498-1980:
802

803 "Standard for Dual Wall Underground Steel Storage Tanks" (1986),
804 referenced in 35 Ill. Adm. Code 724.293.
805

806 USDOD. Available from the United States Department of Defense:
807

808 "DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-
809 STD), as in effect on February 29, 2008 and revised December 15, 2017,
810 December 18, 2017, December 29, 2017, and January 24, 2018, referenced
811 in 35 Ill. Adm. Code 726.305.

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"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in October 2011~~March 2007~~, referenced in 35 Ill. Adm. Code 726.303.

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

"The Signature and Tally Record" (DD Form 1907), as in effect in October 2011~~November 2006~~, referenced in 35 Ill. Adm. Code 726.303.

~~"DOD Multimodal Dangerous Goods Declaration~~
~~Shipping Paper/Declaration and Emergency Response Information for~~
~~Hazardous Materials Transported by Government Vehicles"~~ (DD Form ~~2890~~~~836~~), as in effect in September 2015~~December 2007~~, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09, DD Form 626, -STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>. DD Form 1348, DD Form 1907, ~~DD Form 836~~, and DD Form 2890~~DOD 6055.09 -STD~~ are available on-line for download in pdf format from www.esd.whs.mil/DD/ <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

USEPA, e-Manifest System. Available from United States Environmental Protection Agency, e-Manifest System (<https://www.epa.gov/e-manifest>):

"Hazardous Waste Manifest Instructions". Instructions for revision 12-17 of USEPA Forms 8700-22 and 8700-22A, referenced in 35 Ill. Adm. Code 722.121.

BOARD NOTE: Also available on-line from the USEPA website at the following Internet address: www.epa.gov/hwgenerators/uniform-hazardous-waste-manifest-instructions-sample-form-and-continuation-sheet.

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

"Inventory of Injection Wells"; USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells"; USEPA publication number EPA-570/9-87-002, August

855 1987, referenced in 35 Ill. Adm. Code 730.165.

856

857 USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch,
858 USEPA (MD-14), Research Triangle Park, NC 27711:

859

860 "Screening Procedures for Estimating the Air Quality Impact of Stationary
861 Sources, Revised," October 1992, USEPA publication number EPA-
862 450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code
863 726.

864

865 BOARD NOTE: Also available for purchase from NTIS (see above) and
866 on the Internet for free download as a WordPerfect document from the
867 USEPA website at following Internet address:
868 www.epa.gov/scram001/guidance/guide/scrng.wpd.

869

870 USEPA Region 6. Available from United States Environmental Protection
871 Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross
872 Avenue, Dallas, TX 75202 (phone: 214-665-7430):

873

874 "EPA RCRA Delisting Program – Guidance Manual for the Petitioner,"
875 March 23, 2000, referenced in Section 720.122.

876

877 USGSA. Available from the United States Government Services Administration:

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879 Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003,
880 supplemented as necessary with GSA Standard Form 1109, rev 09/1998),
881 referenced in Section 726.303.

882

883 BOARD NOTE: Available on-line for download in various formats from
884 www.gsa.gov/forms/forms.htm.

885

886 b) Code of Federal Regulations. Available from the Superintendent of Documents,
887 U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

888

889 10 CFR 20.2006 (~~20182015~~) (Transfer for Disposal and Manifests),
890 referenced in 35 Ill. Adm. Code 726.425 and 726.450.

891

892 Table II, column 2 in appendix B to 10 CFR 20 (~~20182015~~) (Water
893 Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110,
894 730.103, and 730.151.

895

896 Appendix G to 10 CFR 20 (~~20182015~~) (Requirements for Transfers of
897 Low-Level Radioactive Waste Intended for Disposal at Licensed Land

898 Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code
899 726.440.
900
901 10 CFR 71 (~~20182015~~) (Packaging and Transportation of Radioactive
902 Material), referenced generally in 35 Ill. Adm. Code 726.430.
903
904 10 CFR 71.5 (~~20182015~~) (Transportation of Licensed Material),
905 referenced in 35 Ill. Adm. Code 726.425.
906
907 33 CFR 153.203 (~~20172015~~) (Procedure for the Notice of Discharge),
908 referenced in 35 Ill. Adm. Code 723.130 and 739.143.
909
910 40 CFR 3.3 (~~20172015~~) (What Definitions Are Applicable to This Part?),
911 referenced in Section 720.104.
912
913 40 CFR 3.10 (~~20172015~~) (What Are the Requirements for Electronic
914 Reporting to EPA?), referenced in Section 720.104.
915
916 40 CFR 3.2000 (~~20172015~~) (What Are the Requirements Authorized State,
917 Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in
918 Section 720.104.
919
920 40 CFR 51.100(ii) (~~20172015~~) (Definitions), referenced in 35 Ill. Adm.
921 Code 726.200.
922
923 Appendix W to 40 CFR 51 (~~20172015~~) (Guideline on Air Quality
924 Models), referenced in 35 Ill. Adm. Code 726.204.
925
926 BOARD NOTE: Also available from NTIS (see above for contact
927 information) as "Guideline on Air Quality Models," Revised 1986,
928 USEPA publication number EPA-450/12-78-027R, NTIS document
929 numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).
930
931 Appendix B to 40 CFR 52.741 (~~20172015~~) (VOM Measurement
932 Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code
933 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986,
934 724.989, 725.983, 725.985, 725.987, and 725.990.
935
936 40 CFR 60 (~~20172015~~) (Standards of Performance for New Stationary
937 Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950,
938 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.
939
940 Subpart VV of 40 CFR 60 (~~20172015~~) (Standards of Performance for

941 Equipment Leaks of VOC in the Synthetic Organic Chemicals
942 Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989,
943 724.989, and 725.990.
944

945 Appendix A to 40 CFR 60 (~~20172015~~) (Test Methods), referenced
946 generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited
947 below for specific methods):
948

949 Method 1 (Sample and Velocity Traverses for Stationary Sources),
950 referenced in 35 Ill. Adm. Code 726.205.
951

952 Method 2 (Determination of Stack Gas Velocity and Volumetric
953 Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code
954 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.
955

956 Method 2A (Direct Measurement of Gas Volume through Pipes
957 and Small Ducts), referenced in 35 Ill. Adm. Code 721.933,
958 724.933, 725.933, and 726.205.
959

960 Method 2B (Determination of Exhaust Gas Volume Flow Rate
961 from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm.
962 Code 726.205.
963

964 Method 2C (Determination of Gas Velocity and Volumetric Flow
965 Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in
966 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.
967

968 Method 2D (Measurement of Gas Volume Flow Rates in Small
969 Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933,
970 724.933, 725.933, and 726.205.
971

972 Method 2E (Determination of Landfill Gas Production Flow Rate),
973 referenced in 35 Ill. Adm. Code 726.205.
974

975 Method 2F (Determination of Stack Gas Velocity and Volumetric
976 Flow Rate with Three-Dimensional Probes), referenced in 35 Ill.
977 Adm. Code 726.205.
978

979 Method 2G (Determination of Stack Gas Velocity and Volumetric
980 Flow Rate with Two-Dimensional Probes), referenced in 35 Ill.
981 Adm. Code 726.205.
982

983	Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.
984	
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986	Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.
987	
988	
989	Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.
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994	Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.
995	
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999	Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
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1002	Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.
1003	
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1005	Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
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1008	Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.
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1012	Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.
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1016	Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.
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1020	Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.
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1025 Method 5F (Determination of Nonsulfate Particulate Matter
1026 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
1027 Code 726.205.
1028
1029 Method 5G (Determination of Particulate Matter Emissions from
1030 Wood Heaters (Dilution Tunnel Sampling Location)), referenced
1031 in 35 Ill. Adm. Code 726.205.
1032
1033 Method 5H (Determination of Particulate Emissions from Wood
1034 Heaters from a Stack Location), referenced in 35 Ill. Adm. Code
1035 726.205.
1036
1037 Method 5I (Determination of Low Level Particulate Matter
1038 Emissions from Stationary Sources), referenced in 35 Ill. Adm.
1039 Code 726.205.
1040
1041 Method 18 (Measurement of Gaseous Organic Compound
1042 Emissions by Gas Chromatography), referenced in 35 Ill. Adm.
1043 Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.
1044
1045 Method 21 (Determination of Volatile Organic Compound Leaks),
1046 referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935,
1047 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935,
1048 725.963, and 725.984.
1049
1050 Method 22 (Visual Determination of Fugitive Emissions from
1051 Material Sources and Smoke Emissions from Flares), referenced in
1052 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101,
1053 and 727.900.
1054
1055 Method 25A (Determination of Total Gaseous Organic
1056 Concentration Using a Flame Ionization Analyzer), referenced in
1057 35 Ill. Adm. Code 721.934, 724.934, and 725.985.
1058
1059 Method 25D (Determination of the Volatile Organic Concentration
1060 of Waste Samples), referenced in 35 Ill. Adm. Code 721.983,
1061 724.982, 725.983, and 725.984.
1062
1063 Method 25E (Determination of Vapor Phase Organic
1064 Concentration in Waste Samples), referenced in 35 Ill. Adm. Code
1065 721.983 and 725.984.
1066

1067 Method 27 (Determination of Vapor Tightness of Gasoline
1068 Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill.
1069 Adm. Code 721.986, 724.986, and 725.987.
1070

1071 40 CFR 61 (~~20172015~~) (National Emission Standards for Hazardous Air
1072 Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933,
1073 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and
1074 725.980.
1075

1076 Subpart V of 40 CFR 61 (~~20172015~~) (National Emission Standard for
1077 Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm.
1078 Code 721.989, 724.989, and 725.990.
1079

1080 Subpart FF of 40 CFR 61 (~~20172015~~) (National Emission Standard for
1081 Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and
1082 725.983.
1083

1084 40 CFR 63 (~~20172015~~) (National Emission Standards for Hazardous Air
1085 Pollutants for Source Categories), referenced generally in 35 Ill. Adm.
1086 Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964,
1087 724.980, 725.933, 725.964, 725.980, and 726.200.
1088

1089 Subpart RR of 40 CFR 63 (~~20172015~~) (National Emission Standards for
1090 Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984,
1091 724.984, 724.985, 725.985, and 725.986.
1092

1093 Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for
1094 Hazardous Air Pollutants from Hazardous Waste Combustors), referenced
1095 in 35 Ill. Adm. Code 703.280.
1096

1097 Subpart EEE of 40 CFR 63 (~~20172015~~) (National Emission Standards for
1098 Hazardous Air Pollutants from Hazardous Waste Combustors) (includes
1099 40 CFR 63.1206 (When and How Must You Comply with the Standards
1100 and Operating Requirements?), 63.1215 (What are the Health-Based
1101 Compliance Alternatives for Total Chlorine?), 63.1216 (What are the
1102 Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217
1103 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous
1104 Waste?), 63.1218 (What are the Standards for Hydrochloric Acid
1105 Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the
1106 Replacement Standards for Hazardous Waste Incinerators?), 63.1220
1107 (What are the Replacement Standards for Hazardous Waste-Burning
1108 Cement Kilns?), and 63.1221 (What are the Replacement Standards for
1109 Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in

1110 Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155,
1111 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701,
1112 724.950, 725.440, and 726.200.
1113
1114 Method 301 (Field Validation of Pollutant Measurement Methods from
1115 Various Waste Media) in appendix A to 40 CFR 63 (~~20172015~~) (Test
1116 Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.
1117
1118 Appendix C to 40 CFR 63 (~~20172015~~) (Determination of the Fraction
1119 Biodegraded (F_{bio}) in a Biological Treatment Unit), referenced in 35 Ill.
1120 Adm. Code 725.984.
1121
1122 Appendix D to 40 CFR 63 (~~20172015~~) (Test Methods), referenced in 35
1123 Ill. Adm. Code 721.983 and 725.984.
1124
1125 40 CFR 136.3 (Identification of Test Procedures) (~~20172015~~), referenced
1126 in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.
1127
1128 40 CFR 144.70 (~~20172015~~) (Wording of the Instruments), referenced in
1129 35 Ill. Adm. Code 704.240.
1130
1131 40 CFR 232.2 (~~20172015~~) (Definitions), referenced in 35 Ill. Adm. Code
1132 721.104.
1133
1134 40 CFR 257 (~~20172015~~) (Criteria for Classification of Solid Waste
1135 Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code
1136 739.181.
1137
1138 Subpart B of 40 CFR 257 (2015) (Disposal Standards for the Receipt of
1139 Conditionally Exempt Small Quantity Generator (CESQG) Wastes at
1140 Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5
1141 through 257.30), referenced in 35 Ill. Adm. Code 721.105.
1142
1143 40 CFR 258 (~~20172015~~) (Criteria for Municipal Solid Waste Landfills),
1144 referenced in 35 Ill. Adm. Code 739.181.
1145
1146 40 CFR 260.21(b) (~~20172015~~) (Alternative Equivalent Testing Methods),
1147 referenced in Section 720.121.
1148
1149 40 CFR 261.151 (~~20172015~~) (Wording of the Instruments), referenced in
1150 35 Ill. Adm. Code 721.251.
1151

1152 Appendix III to 40 CFR 261 (~~2017~~2015) (Chemical Analysis Test
1153 Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.
1154
1155 40 CFR 262.53 (2015) (Notification of Intent to Export), referenced in 35
1156 Ill. Adm. Code 722.153.
1157
1158 40 CFR 262.54 (2015) (Special Manifest Requirements), referenced in 35
1159 Ill. Adm. Code 722.154.
1160
1161 40 CFR 262.55 (2015) (Exception Reports), referenced in 35 Ill. Adm.
1162 Code 722.155.
1163
1164 40 CFR 262.56 (2015) (Annual Reports), referenced in 35 Ill. Adm. Code
1165 722.156.
1166
1167 40 CFR 262.57 (2015) (Recordkeeping), referenced in 35 Ill. Adm. Code
1168 722.157.
1169
1170 Appendix to 40 CFR 262 (~~2017~~2015) (Uniform Hazardous Waste
1171 Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their
1172 Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35
1173 Ill. Adm. Code 724.986 and 725.987.
1174
1175 40 CFR 264.151 (~~2017~~2015) (Wording of the Instruments), referenced in
1176 35 Ill. Adm. Code 724.251 and 727.240.
1177
1178 40 CFR 264.1311 (2017) (Manifest Transactions Subject to Fees),
1179 referenced in 35 Ill. Adm. Code 724.171.
1180
1181 40 CFR 264.1312 (2017) (User Fee Calculation Methodology), referenced
1182 in 35 Ill. Adm. Code 724.171.
1183
1184 40 CFR 264.1313 (2017) (User Fee Revisions), referenced in 35 Ill. Adm.
1185 Code 724.171.
1186
1187 40 CFR 264.1314 (2017) (How to Make User Fee Payments), referenced
1188 in 35 Ill. Adm. Code 724.171.
1189
1190 40 CFR 264.1315 (2017) (Sanctions for Delinquent Payments), referenced
1191 in 35 Ill. Adm. Code 724.171.
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1193 40 CFR 264.1316 (2017) (Informal Fee Dispute Resolution), referenced in
1194 35 Ill. Adm. Code 724.171.

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Appendix I to 40 CFR 264 (~~2017~~2015) (Recordkeeping Instructions),
referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (~~2017~~2015) (Cochran's Approximation to the
Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill.
Adm. Code 724.

Appendix V to 40 CFR 264 (~~2017~~2015) (Examples of Potentially
Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724
and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (~~2017~~2015) (Political Jurisdictions in Which
Compliance with Section 264.18(a) Must Be Demonstrated), referenced in
35 Ill. Adm. Code 703.306, 724.118, and 727.110.

Subpart FF of 40 CFR 264 (2017) (Fees for the Electronic Hazardous
Waste Manifest Program), referenced in 35 Ill. Adm. Code 720.104 and
720.105.

40 CFR 264.1311 (2017) (Manifest Transactions Subject to Fees),
referenced in 35 Ill. Adm. Code 724.171.

40 CFR 264.1312 (2017) (User Fee Calculation Methodology), referenced
in 35 Ill. Adm. Code 724.171.

40 CFR 264.1313 (2017) (User Fee Revisions), referenced in 35 Ill. Adm.
Code 724.171.

40 CFR 264.1314 (2017) (How to Make User Fee Payments), referenced
in 35 Ill. Adm. Code 724.171.

40 CFR 264.1315 (2017) (Sanctions for Delinquent Payments), referenced
in 35 Ill. Adm. Code 724.171.

40 CFR 264.1316 (2017) (Informal Fee Dispute Resolution), referenced in
35 Ill. Adm. Code 724.171.

Appendix I to 40 CFR 265 (~~2017~~2015) (Recordkeeping Instructions),
referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (~~2017~~2015) (EPA Interim Primary Drinking
Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

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Appendix IV to 40 CFR 265 (~~20172015~~) (Tests for Significance),
referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (~~20172015~~) (Examples of Potentially
Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301,
725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm.
Code 725.

Subpart FF of 40 CFR 265 (2017) (Fees for the Electronic Hazardous
Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix IX to 40 CFR 266 (~~20172015~~) (Methods Manual for
Compliance with the BIF Regulations), referenced generally in Appendix I
to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of
Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners),
referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening
Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue
Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact
information) as "Methods Manual for Compliance with BIF Regulations:
Burning Hazardous Waste in Boilers and Industrial Furnaces," December
1990, USEPA publication number EPA-530/SW-91-010, NTIS document
number PB91-120006.

40 CFR 267.151 (~~20172015~~) (Wording of the Instruments), referenced in
35 Ill. Adm. Code 727.240.

40 CFR 270.5 (~~20172015~~) (Noncompliance and Program Reporting by the
Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (~~20172015~~) (Designation, Reportable Quantities, and
Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 711.15(a)(4)(i)(C) (~~20172015~~) (Designation, Reportable
Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

1281
 1282 40 CFR 761 (~~2017~~~~2015~~) (Polychlorinated Biphenyls (PCBs)
 1283 Manufacturing, Processing, Distribution in Commerce, and Use
 1284 Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.
 1285
 1286 40 CFR 761.3 (~~2017~~~~2015~~) (Definitions), referenced in 35 Ill. Adm. Code
 1287 728.102 and 739.110.
 1288
 1289 40 CFR 761.60 (~~2017~~~~2015~~) (Disposal Requirements), referenced in 35 Ill.
 1290 Adm. Code 728.142.
 1291
 1292 40 CFR 761.65 (~~2017~~~~2015~~) (Storage for Disposal), referenced in 35 Ill.
 1293 Adm. Code 728.150.
 1294
 1295 40 CFR 761.70 (~~2017~~~~2015~~) (Incineration), referenced in 35 Ill. Adm.
 1296 Code 728.142.
 1297
 1298 Subpart B of 49 CFR 107 (~~2017~~~~2014~~) (Exemptions), referenced generally
 1299 in 35 Ill. Adm. Code 724.986 and 725.987.
 1300
 1301 49 CFR 171 (~~2017~~~~2014~~) (General Information, Regulations, and
 1302 Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118,
 1303 733.138, 733.152, and 739.143.
 1304
 1305 49 CFR 171.3 (~~2017~~~~2014~~) (Hazardous Waste), referenced in 35 Ill. Adm.
 1306 Code 722.133.
 1307
 1308 49 CFR 171.8 (~~2017~~~~2014~~) (Definitions and Abbreviations), referenced in
 1309 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.
 1310
 1311 49 CFR 171.15 (~~2017~~~~2014~~) (Immediate Notice of Certain Hazardous
 1312 Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and
 1313 739.143.
 1314
 1315 49 CFR 171.16 (~~2017~~~~2014~~) (Detailed Hazardous Materials Incident
 1316 Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.
 1317
 1318 49 CFR 172 (~~2017~~~~2014~~) (Hazardous Materials Table, Special Provisions,
 1319 Hazardous Materials Communications, Emergency Response Information,
 1320 and Training Requirements), referenced generally in 35 Ill. Adm. Code
 1321 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118,
 1322 733.134, 733.138, 733.152, 733.155, and 739.143.
 1323

1324 Table to 49 CFR 172.101 (2017) (Hazardous Materials Table), referenced
1325 in 35 Ill. Adm. Code 721.104, 49 CFR 172.304, referenced in 35 Ill. Adm. Code 721.104.
1326
1327 49 CFR 172.304 (~~2017~~2014) (Marking Requirements), referenced in 35
1328 Ill. Adm. Code 722.132.
1329
1330 Subpart C of 49 CFR 172 (~~2017~~2014) (Shipping Papers), referenced in 35
1331 Ill. Adm. Code 722.124.
1332
1333 Subpart F of 49 CFR 172 (~~2017~~2014) (Placarding), referenced in 35 Ill.
1334 Adm. Code 722.114, 722.115, and 722.133.
1335
1336 49 CFR 173 (~~2017~~2014) (Shippers – General Requirements for Shipments
1337 and Packages), referenced generally in 35 Ill. Adm. Code 721.104,
1338 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138,
1339 733.152, and 739.143.
1340
1341 49 CFR 173.2 (~~2017~~2014) (Hazardous Materials Classes and Index to
1342 Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.
1343
1344 49 CFR 173.12 (~~2017~~2014) (Exceptions for Shipments of Waste
1345 Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416,
1346 and 725.987.
1347
1348 49 CFR 173.28 (~~2017~~2014) (Reuse, Reconditioning, and Remanufacture
1349 of Packagings), referenced in 35 Ill. Adm. Code 725.273.
1350
1351 49 CFR 173.50 (~~2017~~2014) (Class 1 – Definitions), referenced in 35 Ill.
1352 Adm. Code 721.123.
1353
1354 49 CFR 173.54 (~~2017~~2014) (Forbidden Explosives), referenced in 35 Ill.
1355 Adm. Code 721.123.
1356
1357 49 CFR 173.115 (~~2017~~2014) (Class 2, Divisions 2.1, 2.2, and 2.3 –
1358 Definitions), referenced in 35 Ill. Adm. Code 721.121.
1359
1360 49 CFR 173.127 (~~2017~~2014) (Class 2, Divisions 2.1, 2.2, and 2.3 –
1361 Definition and Assignment of Packaging Groups), referenced in 35 Ill.
1362 Adm. Code 721.121.
1363
1364 49 CFR 174 (~~2017~~2014) (Carriage by Rail), referenced generally in 35 Ill.
1365 Adm. Code 733.118, 733.138, 733.152, and 739.143.
1366

1367 49 CFR 175 (~~2017~~2014) (Carriage by Aircraft), referenced generally in 35
1368 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
1369
1370 49 CFR 176 (~~2017~~2014) (Carriage by Vessel), referenced generally in 35
1371 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
1372
1373 49 CFR 177 (~~2017~~2014) (Carriage by Public Highway), referenced
1374 generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.
1375
1376 49 CFR 177.817 (~~2017~~2014) (Shipping Papers), referenced in 35 Ill. Adm.
1377 Code 722.124.
1378
1379 49 CFR 178 (~~2017~~2014) (Specifications for Packagings), referenced
1380 generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416,
1381 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.
1382
1383 49 CFR 179 (~~2017~~2014) (Specifications for Tank Cars), referenced in 35
1384 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416,
1385 725.987, 733.118, 733.138, 733.152, and 739.143.
1386
1387 49 CFR 180 (~~2017~~2014) (Continuing Qualification and Maintenance of
1388 Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986,
1389 725.987, 733.118, 733.138, 733.152, and 739.143.
1390
1391 49 CFR 190 (~~2017~~2014) (Pipeline Safety Programs and Rulemaking
1392 Procedures), referenced generally in 35 Ill. Adm. Code 721.104.
1393
1394 49 CFR 191 (~~2017~~2014) (Transportation of Natural and Other Gas by
1395 Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition
1396 Reports), referenced generally in 35 Ill. Adm. Code 721.104.
1397
1398 49 CFR 192 (~~2017~~2014) (Transportation of Natural and Other Gas by
1399 Pipeline: Minimum Federal Safety Standards), referenced generally in 35
1400 Ill. Adm. Code 721.104.
1401
1402 49 CFR 193 (~~2017~~2014) (Liquefied Natural Gas Facilities: Federal Safety
1403 Standards), referenced generally in 35 Ill. Adm. Code 721.104.
1404
1405 49 CFR 194 (~~2017~~2014) (Response Plans for Onshore Oil Pipelines),
1406 referenced generally in 35 Ill. Adm. Code 721.104.
1407
1408 49 CFR 195 (~~2017~~2014) (Transportation of Hazardous Liquids by
1409 Pipeline), referenced generally in 35 Ill. Adm. Code 721.104.

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49 CFR 196 (~~2017~~2014) (Protection of Underground Pipelines from Excavation Activity), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 198 (~~2017~~2014) (Regulations for Grants to Aid State Pipeline Safety Programs), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 199 (~~2017~~2014) (Drug and Alcohol Testing), referenced generally in 35 Ill. Adm. Code 721.104.

c) Federal Statutes:

Section 11 of the Atomic Energy Act of 1954 (42 USC 2014 (~~2016~~2013)), referenced in 35 Ill. Adm. Code 721.104 and 726.310.

Sections 301, 304, 307, and 402 of the Clean Water Act (33 USC 1311, 1314, 1337, and 1342 (~~2016~~2013)), referenced in 35 Ill. Adm. Code 721.293.

Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 360b(j) (~~2016~~2013)), referenced in Section 720.110 and 35 Ill. Adm. Code 733.109.

Section 1004 of the Resource Conservation and Recovery Act (42 USC 6903 (~~2016~~2013)), referenced in 35 Ill. Adm. Code 721.931, 721.951, and 721.981, 724.931, 724.981, 725.931, 725.951, and 725.981.

Chapter 601 of subtitle VIII of 49 USC (49 USC 60101 through 60140 (~~2016~~2013)), referenced in 35 Ill. Adm. Code 721.104.

Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)) (~~2015~~2012)), referenced in 35 Ill. Adm. Code 726.301.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

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

In accordance with the standards and criteria in Sections 720.131 and 720.134 and the

1453 procedures in Section 720.133, the Board will determine on a case-by-case basis that the
 1454 following recycled materials are not solid wastes:

- 1455
- 1456 a) Materials that are accumulated speculatively without sufficient amounts being
 1457 recycled (as defined in 35 Ill. Adm. Code Section 721.101(c)(8));
- 1458
- 1459 b) Materials that are reclaimed and then reused within the original production
 1460 process in which they were generated;
- 1461
- 1462 c) Materials that have been reclaimed but must be reclaimed further before the
 1463 materials are completely recovered;
- 1464
- 1465 d) Hazardous secondary materials that are reclaimed in a continuous industrial
 1466 process; and
- 1467
- 1468 e) Hazardous secondary materials that are indistinguishable in all relevant aspects
 1469 from a product or intermediate.
- 1470
- 1471 f) ~~Hazardous secondary materials that are transferred for reclamation under 35 Ill.
 1472 Adm. Code 721.104(a)(24) and are managed at a verified reclamation facility or
 1473 verified intermediate facility where the management of the hazardous secondary
 1474 materials is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727.~~
- 1475

1476 (Source: Amended at 42 Ill. Reg. _____, effective _____)

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1478 **Section 720.131 Solid Waste and Verified Facility Determinations**

- 1479
- 1480 a) The Board will determine that those materials that are accumulated speculatively
 1481 without sufficient amounts being recycled are not solid wastes if the applicant
 1482 demonstrates that sufficient amounts of the material will be recycled or
 1483 transferred for recycling in the following year. Such a determination is valid only
 1484 for the following year, but can be renewed, on an annual basis, by filing a new
 1485 application. This determination will be based on the following criteria:
- 1486
- 1487 1) The manner in which the material is expected to be recycled, when the
 1488 material is expected to be recycled, and whether this expected disposition
 1489 is likely to occur (for example, because of past practice, market factors,
 1490 the nature of the material or contractual arrangements for recycling);
- 1491
- 1492 2) The reason that the applicant has accumulated the material for one or more
 1493 years without recycling 75 percent of the volume accumulated at the
 1494 beginning of the year;
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- 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
 - 4) The extent to which the material is handled to minimize loss; and
 - 5) Other relevant factors.
- b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:
- 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
 - 2) The extent to which the material is handled before reclamation to minimize loss;
 - 3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;
 - 4) The location of the reclamation operation in relation to the production process;
 - 5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - 6) Whether the person that generates the material also reclaims it; and
 - 7) Other relevant factors.
- c) The Board will determine, as provided in Section 720.133, that those hazardous secondary materials that have been partially reclaimed but must be reclaimed further before recovery is completed are not solid wastes if the partial reclamation has produced a commodity-like material. A determination that a partially-reclaimed material for which the determination is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled, as specified in Section 720.143, and on whether all of the following decision criteria are satisfied:

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- 1) Whether the degree of partial reclamation the material has undergone is substantial, as demonstrated by using a partial reclamation process other than the process that generated the hazardous secondary material;
 - 2) Whether the partially-reclaimed material has sufficient economic value that it will be purchased for further reclamation;
 - 3) Whether the partially-reclaimed material is a viable substitute for a product or intermediate produced from virgin or raw materials which is used in subsequent production steps;
 - 4) Whether there is a market for the partially-reclaimed material, as demonstrated by known customers who are further reclaiming the material (e.g., records of sales or contracts and evidence of subsequent use, such as bills of lading); and
 - 5) Whether the partially-reclaimed material is handled to minimize loss.
- d) ~~Where the management of a hazardous secondary material is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, the Board will grant a verified facility determination, as provided in Section 720.133, from classifying as a solid waste those hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.104(a)(24) and which are managed at a verified reclamation facility or verified intermediate facility. The Board's determination will be based on the following criteria:~~
- ~~1) The reclamation facility or intermediate facility has demonstrated that the reclamation process for the hazardous secondary materials is legitimate pursuant to Section 720.143;~~
 - ~~2) The reclamation facility or intermediate facility satisfies the financial assurance condition in 35 Ill. Adm. Code 721.104(a)(24)(F)(vi);~~
 - ~~3) The reclamation facility or intermediate facility has not been subject to a formal enforcement action in the previous three years and must not be classified as a significant non-complier under RCRA Subtitle C, or the facility has provided credible evidence that the facility will manage the hazardous secondary materials properly. Credible evidence may include a demonstration that the facility has taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials;~~

- 1581 4) ~~The intermediate or reclamation facility has the equipment and trained~~
1582 ~~personnel needed to safely manage the hazardous secondary material, and~~
1583 ~~the facility meets emergency preparedness and response requirements~~
1584 ~~under Subpart M of 35 Ill. Adm. Code 721;~~
- 1585
- 1586 5) ~~If residuals are generated from the reclamation of the excluded hazardous~~
1587 ~~secondary materials, the reclamation facility has the permits required (if~~
1588 ~~any) to manage the residuals, the facility has a contract with an~~
1589 ~~appropriately permitted facility to dispose of the residuals, or the facility~~
1590 ~~has presented credible evidence that the residuals will be managed in a~~
1591 ~~manner that is protective of human health and the environment; and~~
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- 1593 6) ~~The intermediate or reclamation facility has adequately addressed the~~
1594 ~~potential for risk to proximate populations from unpermitted releases of~~
1595 ~~the hazardous secondary material to the environment (i.e., releases that are~~
1596 ~~not covered by a permit, such as a permit to discharge to water or air),~~
1597 ~~which may include, but are not limited to, potential releases through~~
1598 ~~surface transport by precipitation runoff, releases to soil and groundwater,~~
1599 ~~wind-blown dust, fugitive air emissions, and catastrophic unit failures),~~
1600 ~~and the facility has included consideration of potential cumulative risks~~
1601 ~~from other nearby potential stressors.~~
1602

1603 (Source: Amended at 42 Ill. Reg. _____, effective _____)

1604

1605 **Section 720.142 Notification Requirement for Hazardous Secondary Materials**

- 1606
- 1607 a) A facility that manages hazardous secondary materials which are excluded from
1608 regulation under 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) must send a
1609 notification to USEPA Region 5. The notification must occur prior to operating
1610 under the regulatory provision and before March 1 of every even-numbered
1611 calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the
1612 Agency, Bureau of Land (217-782-6762). The notification must include the
1613 following information:
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 - 1615 1) The name, address, and USEPA identification number (if applicable) of
1616 the facility;
 - 1617
 - 1618 2) The name and telephone number of a contact person for the facility;
 - 1619
 - 1620 3) The NAICS code of the facility;
 - 1621
 - 1622 BOARD NOTE: Determined using the "North American Industry
1623 Classification System," incorporated by reference in Section 720.111.

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- 4) The regulation under which the facility will manage the hazardous secondary materials;
- 5) For reclaimers and intermediate facilities managing hazardous secondary materials in accordance with 35 Ill. Adm. Code 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);
- ~~6~~5) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;
- ~~7~~6) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);
- ~~8~~7) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;
- ~~9~~8) The quantity of each hazardous secondary material to be managed annually; and
- ~~10~~9) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.

b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

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

(Source: Amended at 42 Ill. Reg. _____, effective _____)

1667 **Section 720.143 Legitimate Recycling of Hazardous Secondary Materials**
 1668

1669 a) Recycling of hazardous secondary materials for the purpose of the exclusions or
 1670 exemptions from the hazardous waste regulations must be legitimate. Hazardous
 1671 secondary material that is not the subject of legitimate recycling is discarded
 1672 material and is a solid waste. A determination that an activity is legitimate
 1673 recycling must address all the requirements of this subsection (a) and must
 1674 consider the requirements of subsection (b).
 1675

1676 1) Legitimate recycling must involve a hazardous secondary material that
 1677 provides a useful contribution to the recycling process or to a product or
 1678 intermediate of the recycling process. The hazardous secondary material
 1679 provides a useful contribution if it fulfills one of the following criteria:
 1680

1681 A) The material contributes valuable ingredients to a product or
 1682 intermediate;

1683 B) The material replaces a catalyst or carrier in the recycling process;

1684 C) The material is the source of a valuable constituent recovered in
 1685 the recycling process;

1686 D) The material is recovered or regenerated by the recycling process;
 1687 or
 1688

1689 E) The material is used as an effective substitute for a commercial
 1690 product.
 1691

1692 2) The recycling process must produce a valuable product or intermediate.
 1693 The product or intermediate is valuable if either of the following is true:
 1694

1695 A) The product or intermediate is sold to a third party; or
 1696

1697 B) The product or intermediate is used by the recycler or the generator
 1700 as an effective substitute for a commercial product or as an
 1701 ingredient or intermediate in an industrial process.
 1702

1703 3) The generator and the recycler must manage the hazardous secondary
 1704 material as a valuable commodity when it is under their control. Where
 1705 there is an analogous raw material, the hazardous secondary material must
 1706 be managed, at a minimum, in a manner consistent with the management
 1707 of the raw material or in an equally protective manner. Where there is no
 1708 analogous raw material, the hazardous secondary material must be
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contained. Hazardous secondary materials that are released to the environment and which are not recovered immediately are discarded material.

- 4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:
- A) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:
 - i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit; and
 - ii) The concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely recognized commodity standards and specifications, where the commodity standards and specifications include levels that specifically address those hazardous constituents.
 - B) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if either of the following conditions is true:
 - i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or
 - ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).
 - C) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as provided in subsection (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be

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legitimate if the person performing the recycling fulfills the following requirements:

- i) ~~The person performing the recycling must conduct the necessary assessment and prepare documentation which demonstrates that the recycling is, in fact, still legitimate;~~
- ii) ~~The assessment and documentation demonstrate that the recycling is legitimate based on lack of exposure from toxics in the product, lack of the bioavailability of the toxics in the product, or other relevant considerations which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk;~~
- iii) ~~The documentation must include a certification statement that the recycling is legitimate, and the assessment and documentation must be maintained on-site for three years after the recycling operation has ceased; and~~
- iv) ~~The person performing the recycling must notify USEPA and the Agency of the recycling activity using USEPA Form 8700-12.~~

b) The following factor must be considered in making a determination as to the overall legitimacy of a specific recycling activity. This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules.

1) The product of the recycling process fulfills all of the following criteria:

- A) The product must not contain significant concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are not found in analogous products;
- B) The product must not contain concentrations of hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 at levels that are significantly elevated from those found in analogous products; and
- C) The product must not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit.

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2) In making a determination that a hazardous secondary material is legitimately recycled, persons must evaluate all factors and consider legitimacy as a whole. If, after careful evaluation of these considerations, the factor in this subsection (b) is not met, then this fact may indicate that the material is not legitimately recycled. However, the factor in this subsection (b) does not have to be met for the recycling to be considered legitimate. In evaluating the extent to which this factor is met and in determining whether a process that does not meet this factor is still legitimate, persons can consider exposure from toxics in the product, the bioavailability of the toxics in the product and other relevant considerations.

e) ~~This subsection (c) corresponds with 40 CFR 260.43(e), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

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

PART 720
HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

- 720.101 Purpose, Scope, and Applicability
- 720.102 Availability of Information; Confidentiality of Information
- 720.103 Use of Number and Gender
- 720.104 Manifest Copy Submission Requirements for Certain Interstate Waste Shipments
- 720.105 Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments
- ~~720.109~~720.109 Electronic Reporting ~~(Renumbered)~~

SUBPART B: DEFINITIONS AND REFERENCES

Section

- 720.110 Definitions
- 720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

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

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

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

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at

35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/~~R14-2~~/~~R14-3~~ at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R19-2 at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 720.104 Manifest Copy Submission Requirements for Certain Interstate Waste Shipments

Where the state in which waste is generated or the state in which waste will be transported to a designated facility requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste must, regardless of the state in which the designated facility is located must do all of the following:

- a) Complete the facility portion of the applicable manifest;
- b) Sign and date the facility certification;
- c) Submit to the e-Manifest ~~system~~System a final copy of the manifest for data processing purposes; and
- d) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest ~~system~~System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of the applicable of 40 CFR 264 or 265, each incorporated by reference in Section 720.111.

(Source: ~~Added~~Former Section 720.104 renumbered to Section 720.109; new Section 720.104 added at 42 Ill. Reg. _____, effective _____)

Section 720.105 Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments

- a) For purposes of this Section, "state-only regulated waste" means one of the following:
 - 1) A waste that USEPA has not designated hazardous waste but which a state more broadly regulates to require use of a manifest (USEPA Form 8700-22) under its state regulatory program; or

2) A waste that USEPA has designated hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

b) In any case in which a state requires a manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management must do both of the following:

1) Comply with 35 Ill. Adm. Code 724.171 (Use of Manifest System) and 724.172 (Manifest Discrepancies); and

2) Pay the appropriate per manifest fee to USEPA for each manifest submitted to the e-Manifest ~~system~~System, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of 40 CFR 264, incorporated by reference in Section 720.111.

(Source: Added at 42 Ill. Reg. _____, effective _____)

Section 720.109-~~720.104~~ Electronic Reporting ~~(Renumbered)~~

a) Scope and Applicability.

1) The USEPA, the Board, or the Agency may allow for the submission of any document as an electronic document in lieu of a paper document. This Section does not require submission of electronic documents in lieu of paper documents. This Section sets forth the requirements for the optional electronic submission of any document that must be submitted to the appropriate of the following:

A) To USEPA directly under Title 40 of the Code of Federal Regulations; or

B) To the Board or the Agency pursuant to any provision of 35 Ill. Adm. Code 702 through 705, 720 through 728, 730, 733, 738, or 739.

2) Electronic document submission under this Section can occur only as follows:

A) For submissions of documents to USEPA, submissions may occur only after USEPA has published a notice in the Federal Register announcing that USEPA is prepared to receive, in an electronic format, documents required or permitted by the identified part or subpart of Title 40 of the Code of Federal Regulations; or

B) For submissions of documents to the State, submissions may occur only under the following circumstances:

i) To the Board, into the Board's Clerk's Office On-Line (COOL) system at www.ipcb.state.il.us. ~~As to any existing electronic document-~~

~~receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has not been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000, the Board or the Agency may use that system until October 13, 2007, or until such later date as USEPA has approved in writing as the extended deadline for submitting the application;~~

ii) To the Agency, into any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), ~~and USEPA has not withdrawn its approval of the system in writing. As to any existing electronic document receiving system (i.e., one in use or substantially developed on or before October 13, 2005) for which an electronic reporting application has been submitted on behalf of the Board or the Agency to USEPA pursuant to 40 CFR 3.1000 on or before October 13, 2007, or on or before such later date as USEPA has approved in writing as the extended deadline for submitting the application, the Board or the Agency may use that system until USEPA disapproves its use in writing;~~ or iii) The Board or the Agency may use any electronic document receiving system for which USEPA has granted approval pursuant to 40 CFR 3.1000, so long as the system complies with 40 CFR 3.2000, incorporated by reference in Section 611.102(c), and USEPA has not withdrawn its approval of the system in writing.

3) This Section does not apply to any of the following documents, whether or not the document is a document submitted to satisfy the requirements cited in subsection (a)(1) ~~of this Section~~:

A) Any document submitted via facsimile;

B) Any document submitted via magnetic or optical media, such as diskette, compact disc, digital video disc, or tape; or

C) Any data transfer between USEPA, any state, or any local government and either the Board or the Agency as part of administrative arrangements between the parties to the transfer to share data.

4) Upon USEPA conferring written approval for the submission of any types of documents as electronic documents in lieu of paper documents, as described in subsection (a)(2)(B)(iii) ~~of this Section~~, the Agency or the Board, as appropriate, must publish a Notice of Public Information in the Illinois Register that describes the documents approved for submission as electronic documents, the electronic document receiving system approved to receive them, the acceptable formats and procedures for their submission, and, as applicable, the date on which the Board or the Agency will begin to receive those submissions. In the event of written cessation of USEPA approval for receiving any type of document as an electronic document in lieu of a paper document, the Board or the Agency must similarly cause publication of a Notice of Public Information in the Illinois Register.

BOARD NOTE: Subsection (a) ~~of this Section~~ is derived from 40 CFR 3.1, 3.2, 3.10, 3.20, and 3.1000 (2017) ~~-(2012)~~.

b) Definitions. For the purposes of this Section, terms will have the meaning attributed them in 40 CFR 3.3, incorporated by reference in 35 Ill. Adm. Code 720.111(b).

c) Procedures for submission of electronic documents in lieu of paper documents to USEPA. Except as provided in subsection (a)(3) of this Section, any person who is required under Title 40 of the Code of Federal Regulations to create and submit or otherwise provide a document to USEPA may satisfy this requirement with an electronic document, in lieu of a paper document, provided the following conditions are met:

1) The person satisfies the requirements of 40 CFR 3.10, incorporated by reference in Section 720.111(b); and

2) USEPA has first published a notice in the Federal Register as described in subsection (a)(2)(A) ~~of this Section~~.

BOARD NOTE: Subsection (c) ~~of this Section~~ is derived from 40 CFR 3.2(a) and subpart B of 40 CFR 3 (2017) ~~-(2012)~~.

d) Procedures for submission of electronic documents in lieu of paper documents to the Board or the Agency.

1) The Board or the Agency may, but is not required to, establish procedural rules for the electronic submission of documents. The Board or the Agency must establish any such procedural rules under the Administrative Procedure Act [5 ILCS 100/Art. 5].

2) The Board or the Agency may accept electronic documents under this Section only as provided in subsection (a)(2)(B) ~~of this Section~~.

BOARD NOTE: Subsection (d) ~~of this Section~~ is derived from 40 CFR 3.2(b) and subpart D of 40 CFR 3 (2017) ~~-(2012)~~.

e) Effects of submission of an electronic document in lieu of paper documents.

1) If a person who submits a document as an electronic document fails to comply with the requirements of this Section, that person is subject to the penalties prescribed for failure to comply with the requirement that the electronic document was intended to satisfy.

2) Where a document submitted as an electronic document to satisfy a reporting requirement bears an electronic signature, the electronic signature legally binds, obligates, and makes the signer responsible to the same extent as the signer's handwritten signature would on a paper document submitted to satisfy the same reporting requirement.

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

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

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

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

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

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

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted November 1983, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

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

See ASME/ANSI B31.3 and B31.4 and supplements below in this subsection (a) under ASME.

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

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December 1987, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

"Evaporative Loss from External Floating-Roof Tanks", API publication 2517, Third Edition, February 1989, USEPA-approved for 35 Ill. Adm. Code 721.983 and 725.984.

"Guide for Inspection of Refinery Equipment", Chapter XIII, "Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December 1987, referenced in 35 Ill. Adm. Code 721.291, 724.291, 724.293, 725.291, and 725.292.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November 1987, referenced in 35 Ill. Adm. Code 724.292.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987, referenced in 35 Ill. Adm. Code 724.292 and 725.292. Also available from ANSI.

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

ASTM C 94-90, "Standard Specification for Ready-Mixed Concrete", approved March 30, 1990, referenced in 35 Ill. Adm. Code 724.673 and 725.543.

ASTM D 88-87, "Standard Test Method for Saybolt Viscosity", approved April 24, 1981, reapproved January 1987, referenced in 35 Ill. Adm. Code 726.200.

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

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

ASTM D 346-75, "Standard Practice for Collection and Preparation of Coke Samples for Laboratory Analysis", approved 1975, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 420-69, "Guide to Site Characterization for Engineering, Design, and Construction Purposes", approved 1969, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1452-65, "Standard Practice for Soil Investigation and Sampling by Auger Borings", approved 1965, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 1946-90, "Standard Practice for Analysis of Reformed Gas by Gas Chromatography", approved March 30, 1990, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2161-87, "Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity", March 27, 1987, referenced in 35 Ill. Adm. Code 726.200.

ASTM D 2234-76, "Standard Practice for Collection of a Gross Sample of Coal", approved 1976, referenced in Appendix A to 35 Ill. Adm. Code 721.

ASTM D 2267-88, "Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography", approved November 17, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM D 2382-88, "Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method)", approved October 31, 1988, USEPA-approved for 35 Ill. Adm. Code 724.933 and 725.933.

ASTM D 2879-92, "Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope", approved 1992, USEPA-approved for 35 Ill. Adm. Code 725.984, referenced in 35 Ill. Adm. Code 721.963, 724.963, and 725.963.

ASTM D 3828-87, "Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester", approved December 14, 1988, USEPA-approved for 35 Ill. Adm. Code 721.121(a).

ASTM E 168-88, "Standard Practices for General Techniques of Infrared Quantitative Analysis", approved May 27, 1988, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 169-87, "Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis", approved February 1, 1987, USEPA-approved for 35 Ill. Adm. Code 721.963 and 724.963.

ASTM E 260-85, "Standard Practice for Packed Column Gas Chromatography", approved June 28, 1985, USEPA-approved for 35 Ill. Adm. Code 724.963.

ASTM G 21-70 (1984a), "Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", referenced in 35 Ill. Adm. Code 724.414 and 725.414.

ASTM G 22-76 (1984b), "Standard Practice for Determining Resistance of Plastics to Bacteria", referenced in 35 Ill. Adm. Code 724.414 and 725.414.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-512-1800:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, referenced in 35 Ill. Adm. Code 702.110 and Section 720.110.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846 (Third Edition, November 1986), as amended by Updates I (July 1992), II (November 1994), IIA (August,

1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1). See below in this subsection (a) under NTIS.

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

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems₇", NACE Recommended Practice RP0285-85, approved March 1985, referenced in 35 Ill. Adm. Code 724.292, 724.295, 725.292, and 725.295.

NFPA. Available from the National Fire Protection Association, 1 Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code₇", NFPA ~~30, issued July 14, 30~~ (1984), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, ~~725.301,~~ 726.211, and 727.290.

"Flammable and Combustible Liquids Code₇", NFPA ~~30, issued August 7, 30~~ (1987), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, ~~725.301,~~ 726.211, and 727.290.

"Flammable and Combustible Liquids Code₇", NFPA ~~30, issued July 18, 30~~ (2003), as supplemented by TIA 03-~~1, issued July 15, 1~~ (2004), and corrected by Errata 30-03-~~01, issued August 13, 01~~ (2004), referenced in 35 Ill. Adm. Code 721.298, 724.298, 725.298, ~~725.301,~~ 726.211, and 727.290.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-605-6000 or 800-553-6847 (Internet address: www.ntis.gov):

"APTI Course 415: Control of Gaseous Emissions₇", December 1981, USEPA publication number EPA-450/2-81-005, NTIS document number PB80-208895, USEPA-approved for 35 Ill. Adm. Code 703.210, 703.211, 703.352, 724.935, and 725.935.

BOARD NOTE: "APTI" denotes USEPA's "Air Pollution Training Institute" (Internet address: www.epa.gov/air/oaqps/eog/).

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program₇", USEPA publication number EPA-530/SW-87-011, March 15, 1987, NTIS document number PB88-170766, referenced in 35 Ill. Adm. Code 728.106.

"Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry₇", Revision A, February 1999, USEPA publication number EPA-821/R-98-002, NTIS document number PB99-121949, or Revision B, February 2010, USEPA publication number

EPA-821/R-10-001, NTIS document number PB2011-100735, USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

BOARD NOTE: Also available on the Internet for free download as a PDF document from the USEPA website at: water.epa.gov/scitech/methods/cwa/methods_index.cfm. Revision A is also from the USEPA, National Service Center for Environmental Publications (NSCEP) website at www.epa.gov/nscep/index.html.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March 1983, USEPA document number EPA-600/4-79-020, NTIS document number PB84-128677, referenced in 35 Ill. Adm. Code 725.192.

BOARD NOTE: Also available on the Internet as a viewable/printable HTML document from the USEPA website at: www.epa.gov/clariton/clhtml/pubtitleORD.html as document 600479002.

"North American Industry Classification System", July 2007, U.S. Department of Commerce, Bureau of the Census, document number PB2007-100002 (hardcover printed volume) or PB2007-500023, referenced in Section 720.110 (definition of "NAICS Code") for the purposes of Section 720.142, and in 35 Ill. Adm. Code 721.104.

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

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", August 1977, EPA-530/SW-611, NTIS document number PB84-174820, referenced in 35 Ill. Adm. Code 725.192.

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October 1992, USEPA publication number EPA-454/R-92-019, NTIS document number 93-219095, referenced in 35 Ill. Adm. Code 726.204 and 726.206.

BOARD NOTE: Also available on the Internet for free download as a WordPerfect document from the USEPA website at the following Internet address: www.epa.gov/scram001/guidance/guide/scrng.wpd.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA publication number EPA-530/SW-846 (Third Edition, November 1986; Revision 6, January 2005), as amended by Updates I (July 1992), II (November 1994), IIA (August 1993), IIB (January 1995), III (December 1996), IIIA (April 1998), and IIIB (November 2004) (document number 955-001-00000-1), generally referenced in Appendices A and I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 726.200, 726.206, 726.212, and 728.106 (in addition to the references cited below for specific methods):

Method 0010 (November 1986) (Modified Method 5 Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0011 (December 1996) (Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and for Appendix I to 35 Ill. Adm. Code 726.

Method 0020 (November 1986) (Source Assessment Sampling System), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0023A (December 1996) (Sampling Method for Polychlorinated Dibenzop-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.204.

Method 0030 (November 1986) (Volatile Organic Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0031 (December 1996) (Sampling Method for Volatile Organic Compounds (SMVOC)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0040 (December 1996) (Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar(r) Bags), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 0050 (December 1996) (Isokinetic HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0051 (December 1996) (Midget Impinger HCl/Cl₂ Emission Sampling Train), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.207.

Method 0060 (December 1996) (Determination of Metals in Stack Emissions), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, Appendix I to 35 Ill. Adm. Code 726, and 35 Ill. Adm. Code 726.206.

Method 0061 (December 1996) (Determination of Hexavalent Chromium Emissions from Stationary Sources), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721, 35 Ill. Adm. Code 726.206, and Appendix I to 35 Ill. Adm. Code 726.

Method 1010A (November 2004) (Test Methods for Flash Point by Pensky-Martens Closed Cup Tester), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1020B (November 2004) (Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-cup Apparatus), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1110A (November 2004) (Corrosivity Toward Steel), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 1310B (November 2004) (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and referenced in Appendix I to 35 Ill. Adm. Code 728.

Method 1311 (November 1992) (Toxicity Characteristic Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721; for 35 Ill. Adm. Code 721.124, 728.107, and 728.140; and for Table T to 35 Ill. Adm. Code 728.

Method 1312 (November 1994) (Synthetic Precipitation Leaching Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1320 (November 1986) (Multiple Extraction Procedure), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 1330A (November 1992) (Extraction Procedure for Oily Wastes), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9010C (November 2004) (Total and Amenable Cyanide: Distillation), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9012B (November 2004) (Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation)), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 728.140, 728.144, and 728.148, referenced in Table H to 35 Ill. Adm. Code 728.

Method 9040C (November 2004) (pH Electrometric Measurement), USEPA-approved for 35 Ill. Adm. Code 721.122 and Appendix I to 35 Ill. Adm. Code 721.

Method 9045D (November 2004) (Soil and Waste pH), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9060A (November 2004) (Total Organic Carbon), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721 and 35 Ill. Adm. Code 721.934, 721.963, 724.934, 724.963, 725.934, and 725.963.

Method 9070A (November 2004) (n-Hexane Extractable Material (HEM) for Aqueous Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9071B (April 1998) (n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples), USEPA-approved for Appendix I to 35 Ill. Adm. Code 721.

Method 9095B (November 2004) (Paint Filter Liquids Test), USEPA-approved for 35 Ill. Adm. Code 720.110; Appendix I to 35 Ill. Adm. Code 721; and 35 Ill. Adm. Code 724.290, 724.414, 725.290, 725.414, 725.981, 727.290, and 728.132.

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

OECD. Organization ~~Organisation~~ for Economic Cooperation ~~Co-operation~~ and Development, Environment Directorate, 2 rue Andre Pascal, F-75775 Paris Cedex 16, France, +33 (0) 1 45 24 81 67 (www.oecd.org), also OECD Washington Center, 2001 L Street, NW, Suite 650, Washington, DC 20036-4922, 202-785-6323 or 800-456-6323 (www.oecdwash.org):

OECD Guidance Manual. "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations", 2009 (also called "Guidance Manual for the Control of Transboundary Movements of Recoverable Materials" in OECD documents), but only the following segments, which set forth the substantive requirements of OECD decision C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008):

~~"Annex A: OECD Decision C(2001)107/FINAL, as Amended by C(2004)20, C(2005)141 and C(2008)156" (also called "Revision of Council Decision C(92)39/FINAL on the Control of Transboundary Movements of Wastes Destined for Recovery Operations" within the text of Annex A, and "Decision of the Council Concerning the Control of Transboundary Movements of Wastes Destined for Recovery Operations" in the original OECD decision source document, C(2001)107/FINAL (June 14, 2001), as amended by C(2001)107/ADD1 (February 28, 2002), C(2004)20 (March 9, 2004), C(2005)141 (December 2, 2005), and C(2008)156 (December 4, 2008)).~~

"Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure" (individually referred to as "Annex B to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 3 to OECD decision C(2001)107/FINAL, as amended as described above, together with the text of Annex IX ("List B") to the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal" ("Basel Convention").

"Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure" (individually referred to as "Annex C to OECD Guidance Manual" in 35 Ill. Adm. Code 722), combining Appendix 4 to OECD decision C(2001)107/FINAL, as amended, together with the text of Annexes II ("Categories of Wastes Requiring Special Consideration") and VIII ("List A") to the Basel Convention.

BOARD NOTE: The OECD Guidance Manual is available online from OECD at www.oecd.org/dataoecd/57/1/42262259.pdf. The OECD and the Basel Convention consider the OECD Guidance Manual unofficial text of these documents. Despite this unofficial status, the Board has chosen to follow USEPA's lead and incorporate the OECD Guidance Manual by reference, instead of separately incorporating the OECD decision C(2001)107/FINAL (with its subsequent amendments: OECD decisions

C(2001)107/ADD1, C(2004)20, C(2005)141, and C(2008)156) and the Basel Convention by reference. Use of the OECD Guidance Manual eases reference to the documents, increases access to the documents, and facilitates future updates to this incorporation by reference. All references to "OECD C(2001)107/FINAL" in the text of 35 Ill. Adm. Code 722 refer to both the OECD decision and the Basel Convention that the OECD decision references. The OECD Guidance Manual includes as Annex A the full text of OECD document C(2001)107/FINAL, with amendments, and Annexes B and C set forth lists of wastes subject to Green control procedures and wastes subject to Amber control procedures, respectively, which consolidate the wastes from C(2001)107/FINAL together with those from the Basel Convention.

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

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

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

USDOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosives Safety Standards" (DOD 6055.09-~~STD~~), as in effect on February 29, 2008 and revised December 15, 2017, December 18, 2017, December 29, 2017, and January 24, 2018, referenced in 35 Ill. Adm. Code 726.305.

"The Motor Vehicle Inspection Report" (DD Form 626), as in effect in October ~~2011-March-2007,2011~~, referenced in 35 Ill. Adm. Code 726.303.

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

"The Signature and Tally Record" (DD Form 1907), as in effect in October ~~2011-November-2006,2011~~, referenced in 35 Ill. Adm. Code 726.303.

"DOD Multimodal Dangerous Goods Declaration" (DD Form 2890), ~~(Sep-2015)"Dangerous Goods Shipping Paper/Declaration and Emergency Response Information for Hazardous Materials Transported by Government Vehicles"-(DD Form 836)~~, as in effect in September ~~2015-December-2007,2015~~, referenced in 35 Ill. Adm. Code 726.303.

BOARD NOTE: DOD 6055.09, DD Form 626, ~~STD is available on-line for download in pdf format from <http://www.ddesb.pentagon.mil>~~. DD Form 1348, DD Form 1907, ~~DD Form 836~~, and DD Form 2890-~~DOD-6055.09-STD~~ are available on-line for download in pdf format from [www.esd.whs.mil/DD/
http://www.dtic.mil/whs/directives/?infomgt/forms/formsprogram.htm](http://www.esd.whs.mil/DD/http://www.dtic.mil/whs/directives/?infomgt/forms/formsprogram.htm).

USEPA, e-Manifest System. Available from United States Environmental Protection Agency, e-Manifest System (<https://www.epa.gov/e-manifest>):

"Hazardous Waste Manifest Instructions". — Instructions for revision 12-17 of USEPA Forms 8700-22 and 8700-22A, referenced in 35 Ill. Adm. Code 722.121.

BOARD NOTE: Also available on-line from the USEPA website at the following Internet address:
www.epa.gov/hwgenerators/?uniform-hazardous-waste-manifest-instructions-sample-form-and-continuation-sheet.

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

"Inventory of Injection Wells₇", USEPA Form 7520-16 (Revised 8-01), referenced in 35 Ill. Adm. Code 704.148 and 704.283.

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells₇", USEPA publication number EPA-570/9-87-002, August 1987, referenced in 35 Ill. Adm. Code 730.165.

USEPA, Receptor Analysis Branch. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised₇", October 1992, USEPA publication number EPA-450/R-92-019, USEPA-approved for Appendix I to 35 Ill. Adm. Code 726.

BOARD NOTE: Also available for purchase from NTIS (see above) and on the Internet for free download as a WordPerfect document from the USEPA website at following Internet address:
www.epa.gov/scram001/guidance/guide/scrng.wpd.

USEPA Region 6. Available from United States Environmental Protection Agency, Region 6, Multimedia Permitting and Planning Division, 1445 Ross Avenue, Dallas, TX 75202 (phone: 214-665-7430):

"EPA RCRA Delisting Program - Guidance Manual for the Petitioner₇", March 23, 2000, referenced in Section 720.122.

USGSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1103, rev 9/2003, supplemented as necessary with GSA Standard Form 1109, rev 09/1998), referenced in Section 726.303.

BOARD NOTE: Available on-line for download in various formats from www.gsa.gov/forms/forms.htm.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20.2006 (2018)~~-(2015)~~ (Transfer for Disposal and Manifests), referenced in 35 Ill. Adm. Code 726.425 and 726.450.

Table II, column 2 in appendix B to 10 CFR 20 (2018)~~-(2015)~~ (Water Effluent Concentrations), referenced in 35 Ill. Adm. Code 702.110, 730.103, and 730.151.

Appendix G to 10 CFR 20 (2018)~~-(2015)~~ (Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests), referenced in 35 Ill. Adm. Code 726.440.

10 CFR 71 (2018)~~-(2015)~~ (Packaging and Transportation of Radioactive Material), referenced generally in 35 Ill. Adm. Code 726.430.

10 CFR 71.5 (2018)~~-(2015)~~ (Transportation of Licensed Material), referenced in 35 Ill. Adm. Code 726.425.

33 CFR 153.203 (2017)~~-(2015)~~ (Procedure for the Notice of Discharge), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

40 CFR 3.3 (2017) (2015)~~-(What Definitions Are Applicable to This Part?)~~, referenced in Section 720.104.

40 CFR 3.10 (2017) (2015)~~-(What Are the Requirements for Electronic Reporting to EPA?)~~, referenced in Section 720.104.

40 CFR 3.2000 (2017)~~-(2015)~~ (What Are the Requirements Authorized State, Tribe, and Local Programs' Reporting Systems Must Meet?), referenced in Section 720.104.

40 CFR 51.100(ii) (2017)~~-(2015)~~ (Definitions), referenced in 35 Ill. Adm. Code 726.200.

Appendix W to 40 CFR 51 (2017)~~-(2015)~~ (Guideline on Air Quality Models), referenced in 35 Ill. Adm. Code 726.204.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Guideline on Air Quality Models", Revised 1986, USEPA publication number EPA-450/12-78-027R, NTIS document numbers PB86-245248 (Guideline) and PB88-150958 (Supplement).

Appendix B to 40 CFR 52.741 (2017)~~-(2015)~~ (VOM Measurement Techniques for Capture Efficiency), referenced in 35 Ill. Adm. Code 703.213, 703.352, 721.984, 721.986, 721.989, 724.982, 724.984, 724.986, 724.989, 725.983, 725.985, 725.987, and 725.990.

40 CFR 60 (2017)~~-(2015)~~ (Standards of Performance for New Stationary Sources), referenced generally in 35 Ill. Adm. Code 721.104, 721.950, 721.964, 721.980, 724.964, 724.980, 725.964, and 725.980.

Subpart VV of 40 CFR 60 (2017)~~-(2015)~~ (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Appendix A to 40 CFR 60 (2017)~~-(2015)~~ (Test Methods), referenced generally in 35 Ill. Adm. Code 726.205 (in addition to the references cited below for specific methods):

Method 1 (Sample and Velocity Traverses for Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S Pitot Tube)), referenced in 35 Ill. Adm. Code 721.934, 724.933, 724.934, 725.933, 725.934, and 726.205.

Method 2A (Direct Measurement of Gas Volume through Pipes and Small Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2B (Determination of Exhaust Gas Volume Flow Rate from Gasoline Vapor Incinerators), referenced in 35 Ill. Adm. Code 726.205.

Method 2C (Determination of Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts), referenced in 35 Ill. Adm. Code 721.933, 724.933, 725.933, and 726.205.

Method 2E (Determination of Landfill Gas Production Flow Rate), referenced in 35 Ill. Adm. Code 726.205.

Method 2F (Determination of Stack Gas Velocity and Volumetric Flow Rate with Three-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2G (Determination of Stack Gas Velocity and Volumetric Flow Rate with Two-Dimensional Probes), referenced in 35 Ill. Adm. Code 726.205.

Method 2H (Determination of Stack Gas Velocity Taking into Account Velocity Decay Near the Stack Wall), referenced in 35 Ill. Adm. Code 726.205.

Method 3 (Gas Analysis for the Determination of Dry Molecular Weight), referenced in 35 Ill. Adm. Code 724.443 and 726.205.

Method 3A (Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure)), referenced in 35 Ill. Adm. Code 726.205.

Method 3B (Gas Analysis for the Determination of Emission Rate Correction Factor or Excess Air), referenced in 35 Ill. Adm. Code 726.205.

Method 3C (Determination of Carbon Dioxide, Methane, Nitrogen, and Oxygen from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 4 (Determination of Moisture Content in Stack Gases), referenced in 35 Ill. Adm. Code 726.205.

Method 5 (Determination of Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5A (Determination of Particulate Matter Emissions from the Asphalt Processing and Asphalt Roofing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5B (Determination of Nonsulfuric Acid Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5D (Determination of Particulate Matter Emissions from Positive Pressure Fabric Filters), referenced in 35 Ill. Adm. Code 726.205.

Method 5E (Determination of Particulate Matter Emissions from the Wool Fiberglass Insulation Manufacturing Industry), referenced in 35 Ill. Adm. Code 726.205.

Method 5F (Determination of Nonsulfate Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 5G (Determination of Particulate Matter Emissions from Wood Heaters (Dilution Tunnel Sampling Location)), referenced in 35 Ill. Adm. Code 726.205.

Method 5H (Determination of Particulate Emissions from Wood Heaters from a Stack Location), referenced in 35 Ill. Adm. Code 726.205.

Method 5I (Determination of Low Level Particulate Matter Emissions from Stationary Sources), referenced in 35 Ill. Adm. Code 726.205.

Method 18 (Measurement of Gaseous Organic Compound Emissions by Gas Chromatography), referenced in 35 Ill. Adm. Code 721.933, 721.934, 724.933, 724.934, 725.933, and 725.934.

Method 21 (Determination of Volatile Organic Compound Leaks), referenced in 35 Ill. Adm. Code 703.213, 721.934, 721.935, 721.963, 721.983, 724.934, 724.935, 724.963, 725.934, 725.935, 725.963, and 725.984.

Method 22 (Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares), referenced in 35 Ill. Adm. Code 721.933, 724.933, 724.1101, 725.933, 725.1101, and 727.900.

Method 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer), referenced in 35 Ill. Adm. Code 721.934, 724.934, and 725.985.

Method 25D (Determination of the Volatile Organic Concentration of Waste Samples), referenced in 35 Ill. Adm. Code 721.983, 724.982, 725.983, and 725.984.

Method 25E (Determination of Vapor Phase Organic Concentration in Waste Samples), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Method 27 (Determination of Vapor Tightness of Gasoline Delivery Tank Using Pressure-Vacuum Test), referenced in 35 Ill. Adm. Code 721.986, 724.986, and 725.987.

40 CFR 61 (2017)—(2015) (National Emission Standards for Hazardous Air Pollutants), referenced generally in 35 Ill. Adm. Code 721.104, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 725.933, 725.964, and 725.980.

Subpart V of 40 CFR 61 (2017)—(2015) (National Emission Standard for Equipment Leaks (Fugitive Emission Sources)), referenced in 35 Ill. Adm. Code 721.989, 724.989, and 725.990.

Subpart FF of 40 CFR 61 (2017)—(2015) (National Emission Standard for Benzene Waste Operations), referenced in 35 Ill. Adm. Code 724.982 and 725.983.

40 CFR 63 (2017)—(2015) (National Emission Standards for Hazardous Air Pollutants for Source Categories), referenced generally in 35 Ill. Adm. Code 721.293, 721.933, 721.950, 721.964, 721.980, 724.933, 724.964, 724.980, 725.933, 725.964, 725.980, and 726.200.

Subpart RR of 40 CFR 63 (2017)—(2015) (National Emission Standards for Individual Drain Systems), referenced in 35 Ill. Adm. Code 721.984, 724.984, 724.985, 725.985, and 725.986.

Subpart EEE of 40 CFR 63 (2000) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors), referenced in 35 Ill. Adm. Code 703.280.

Subpart EEE of 40 CFR 63 (2017)—(2015) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (includes 40 CFR 63.1206 (When and How Must You Comply with the Standards and

Operating Requirements?), 63.1215 (What are the Health-Based Compliance Alternatives for Total Chlorine?), 63.1216 (What are the Standards for Solid-Fuel Boilers that Burn Hazardous Waste?), 63.1217 (What are the Standards for Liquid-Fuel Boilers that Burn Hazardous Waste?), 63.1218 (What are the Standards for Hydrochloric Acid Production Furnaces that Burn Hazardous Waste?), 63.1219 (What are the Replacement Standards for Hazardous Waste Incinerators?), 63.1220 (What are the Replacement Standards for Hazardous Waste-Burning Cement Kilns?), and 63.1221 (What are the Replacement Standards for Hazardous Waste-Burning Lightweight Aggregate Kilns?)), referenced in Appendix A to 35 Ill. Adm. Code 703 and 35 Ill. Adm. Code 703.155, 703.205, 703.208, 703.221, 703.232, 703.320, 703.280, 724.440, 724.701, 724.950, 725.440, and 726.200.

Method 301 (Field Validation of Pollutant Measurement Methods from Various Waste Media) in appendix A to 40 CFR 63 (2017)~~(2015)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

Appendix C to 40 CFR 63 (2017)~~(2015)~~ (Determination of the Fraction Biodegraded (Fbio) in a Biological Treatment Unit), referenced in 35 Ill. Adm. Code 725.984.

Appendix D to 40 CFR 63 (2017)~~(2015)~~ (Test Methods), referenced in 35 Ill. Adm. Code 721.983 and 725.984.

40 CFR 136.3 (Identification of Test Procedures) (2017)~~(2015)~~, referenced in 35 Ill. Adm. Code 702.110, 704.150, 704.187, and 730.103.

40 CFR 144.70 (2017)~~(2015)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 704.240.

40 CFR 232.2 (2017)~~(2015)~~ (Definitions), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 257 (2017)~~(2015)~~ (Criteria for Classification of Solid Waste Disposal Facilities and Practices), referenced in 35 Ill. Adm. Code 739.181.

Subpart B of 40 CFR 257 (2015) (Disposal Standards for the Receipt of Conditionally Exempt Small Quantity Generator (CESQG) Wastes at Non-Municipal Non-Hazardous Waste Disposal Units) (40 CFR 257.5 through 257.30), referenced in 35 Ill. Adm. Code 721.105.

40 CFR 258 (2017)~~(2015)~~ (Criteria for Municipal Solid Waste Landfills), referenced in 35 Ill. Adm. Code 739.181.

40 CFR 260.21(b) (2017)~~(2015)~~ (Alternative Equivalent Testing Methods), referenced in Section 720.121.

40 CFR 261.151 (2017)~~(2015)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 721.251.

Appendix III to 40 CFR 261 (2017)~~-(2015)~~ (Chemical Analysis Test Methods), referenced in 35 Ill. Adm. Code 704.150 and 704.187.

40 CFR 262.53 (2015) (Notification of Intent to Export), referenced in 35 Ill. Adm. Code 722.153.

40 CFR 262.54 (2015) (Special Manifest Requirements), referenced in 35 Ill. Adm. Code 722.154.

40 CFR 262.55 (2015) (Exception Reports), referenced in 35 Ill. Adm. Code 722.155.

40 CFR 262.56 (2015) (Annual Reports), referenced in 35 Ill. Adm. Code 722.156.

40 CFR 262.57 (2015) (Recordkeeping), referenced in 35 Ill. Adm. Code 722.157.

Appendix to 40 CFR 262 (2017)~~-(2015)~~ (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), referenced in Appendix A to 35 Ill. Adm. Code 722 and 35 Ill. Adm. Code 724.986 and 725.987.

40 CFR 264.151 (2017)~~-(2015)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 724.251 and 727.240.

40 CFR 264.1311 (2017) (Manifest Transactions Subject to Fees), referenced in ~~Sections~~35 Ill. Adm. Code 724.171.

40 CFR 264.1312 (2017) (User Fee Calculation Methodology), referenced in ~~Sections~~35 Ill. Adm. Code 724.171.

40 CFR 264.1313 (2017) (User Fee Revisions), referenced in ~~Sections~~35 Ill. Adm. Code 724.171.

40 CFR 264.1314 (2017) (How to Make User Fee Payments), referenced in ~~Sections~~35 Ill. Adm. Code 724.171.

40 CFR 264.1315 (2017) (Sanctions for Delinquent Payments), referenced in ~~Sections~~35 Ill. Adm. Code 724.171.

40 CFR 264.1316 (2017) (Informal Fee Dispute Resolution), referenced in ~~Sections~~35 Ill. Adm. Code 724.171.

Appendix I to 40 CFR 264 (2017)~~-(2015)~~ (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 724.

Appendix IV to 40 CFR 264 (2017)~~-(2015)~~ (Cochran's Approximation to the Behrens-Fisher Students' T-Test), referenced in Appendix D to 35 Ill. Adm. Code 724.

Appendix V to 40 CFR 264 (2017)—(2015) (Examples of Potentially Incompatible Waste), referenced in Appendix E to 35 Ill. Adm. Code 724 and 35 Ill. Adm. Code 727.270.

Appendix VI to 40 CFR 264 (2017) (2015)—(Political Jurisdictions in Which Compliance with ~~§~~Section 264.18(a) Must Be Demonstrated), referenced in 35 Ill. Adm. Code 703.306, 724.118, and 727.110.

Subpart FF of 40 CFR 264 (2017) (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections ~~35 Ill. Adm. Code~~ 720.104 and 720.105.

40 CFR 264.1311 (2017) (Manifest Transactions Subject to Fees), referenced in Sections ~~35 Ill. Adm. Code~~ 724.171.

40 CFR 264.1312 (2017) (User Fee Calculation Methodology), referenced in Sections ~~35 Ill. Adm. Code~~ 724.171.

40 CFR 264.1313 (2017) (User Fee Revisions), referenced in Sections ~~35 Ill. Adm. Code~~ 724.171.

40 CFR 264.1314 (2017) (How to Make User Fee Payments), referenced in Sections ~~35 Ill. Adm. Code~~ 724.171.

40 CFR 264.1315 (2017) (Sanctions for Delinquent Payments), referenced in Sections ~~35 Ill. Adm. Code~~ 724.171.

40 CFR 264.1316 (2017) (Informal Fee Dispute Resolution), referenced in Sections ~~35 Ill. Adm. Code~~ 724.171.

Appendix I to 40 CFR 265 (2017)—(2015) (Recordkeeping Instructions), referenced in Appendix A to 35 Ill. Adm. Code 725.

Appendix III to 40 CFR 265 (2017)—(2015) (EPA Interim Primary Drinking Water Standards), referenced in Appendix C to 35 Ill. Adm. Code 725.

Appendix IV to 40 CFR 265 (2017)—(2015) (Tests for Significance), referenced in Appendix D to 35 Ill. Adm. Code 725.

Appendix V to 40 CFR 265 (2017)—(2015) (Examples of Potentially Incompatible Waste), referenced in 35 Ill. Adm. Code 725.277, 725.301, 725.330, 725.357, 725.382, and 725.413 and Appendix E to 35 Ill. Adm. Code 725.

Subpart FF of 40 CFR 265 (2017) (Fees for the Electronic Hazardous Waste Manifest Program), referenced in Sections 720.104 and 720.105.

Appendix IX to 40 CFR 266 (2017)—(2015) (Methods Manual for Compliance with the BIF Regulations), referenced generally in Appendix I to 35 Ill. Adm. Code 726.

Section 4.0 (Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners), referenced in 35 Ill. Adm. Code 726.200 and 726.204.

Section 5.0 (Hazardous Waste Combustion Air Quality Screening Procedure), referenced in 35 Ill. Adm. Code 726.204 and 726.206.

Section 7.0 (Statistical Methodology for Bevill Residue Determinations), referenced in 35 Ill. Adm. Code 726.212.

BOARD NOTE: Also available from NTIS (see above for contact information) as "Methods Manual for Compliance with BIF Regulations: Burning Hazardous Waste in Boilers and Industrial Furnaces⁷", December 1990, USEPA publication number EPA-530/SW-91-010, NTIS document number PB91-120006.

40 CFR 267.151 (2017)~~-(2015)~~ (Wording of the Instruments), referenced in 35 Ill. Adm. Code 727.240.

40 CFR 270.5 (2017)~~-(2015)~~ (Noncompliance and Program Reporting by the Director), referenced in 35 Ill. Adm. Code 703.305.

40 CFR 302 (2017)~~-(2015)~~ (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.293.

40 CFR 711.15(a)(4)(i)(C) (2017)~~-(2015)~~ (Designation, Reportable Quantities, and Notification), referenced in 35 Ill. Adm. Code 721.104.

40 CFR 761 (2017)~~-(2015)~~ (Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions), referenced generally in 35 Ill. Adm. Code 728.145.

40 CFR 761.3 (2017)~~-(2015)~~ (Definitions), referenced in 35 Ill. Adm. Code 728.102 and 739.110.

40 CFR 761.60 (2017)~~-(2015)~~ (Disposal Requirements), referenced in 35 Ill. Adm. Code 728.142.

40 CFR 761.65 (2017)~~-(2015)~~ (Storage for Disposal), referenced in 35 Ill. Adm. Code 728.150.

40 CFR 761.70 (2017)~~-(2015)~~ (Incineration), referenced in 35 Ill. Adm. Code 728.142.

Subpart B of 49 CFR 107 (2017)~~-(2014)~~ (Exemptions), referenced generally in 35 Ill. Adm. Code 724.986 and 725.987.

49 CFR 171 (2017)~~-(2014)~~ (General Information, Regulations, and Definitions), referenced generally in 35 Ill. Adm. Code 721.104, 733.118, 733.138, 733.152, and 739.143.

49 CFR 171.3 (2017)~~(2014)~~ (Hazardous Waste), referenced in 35 Ill. Adm. Code 722.133.

49 CFR 171.8 (2017) ~~(2014)~~ (Definitions and Abbreviations), referenced in 35 Ill. Adm. Code 733.118, 733.138, 733.152, 733.155, and 739.143.

49 CFR 171.15 (2017) ~~(2014)~~ (Immediate Notice of Certain Hazardous Materials Incidents), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 171.16 (2017) ~~(2014)~~ (Detailed Hazardous Materials Incident Reports), referenced in 35 Ill. Adm. Code 723.130 and 739.143.

49 CFR 172 (2017)~~(2014)~~ (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.131, 722.132, 724.986, 725.987, 733.114, 733.118, 733.134, 733.138, 733.152, 733.155, and 739.143.

Table to 49 CFR 172.101 (2017) (Hazardous Materials Table), referenced in 35 Ill. Adm. 49 CFR 172.304, referenced in 35 Ill. Adm. Code 721.104.

49 CFR 172.304 (2017) (Marking Requirements), referenced in 35 Ill. Adm. Code 722.132.

Subpart C of 49 CFR 172 (2017)~~(2014)~~ (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

Subpart F of 49 CFR 172 (2017)~~(2014)~~ (Placarding), referenced in 35 Ill. Adm. Code 722.114, 722.115, and 722.133.

49 CFR 173 (2017) ~~(2014)~~ (Shippers - General Requirements for Shipments and Packages), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 173.2 (2017)~~(2014)~~ (Hazardous Materials Classes and Index to Hazard Class Definitions), referenced in 35 Ill. Adm. Code 733.152.

49 CFR 173.12 (2017)~~(2014)~~ (Exceptions for Shipments of Waste Materials), referenced in 35 Ill. Adm. Code 724.416, 724.986, 725.416, and 725.987.

49 CFR 173.28 (2017)~~(2014)~~ (Reuse, Reconditioning, and Remanufacture of Packagings), referenced in 35 Ill. Adm. Code 725.273.

49 CFR 173.50 (2017) ~~(2014)~~ (Class 1 - Definitions), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.54 (2017) ~~(2014)~~ (Forbidden Explosives), referenced in 35 Ill. Adm. Code 721.123.

49 CFR 173.115 (2017) (~~2014~~) (Class 2, Divisions 2.1, 2.2, and 2.3 - Definitions), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 173.127 (2017) (~~2014~~) (Class 2, Divisions 2.1, 2.2, and 2.3 - Definition and Assignment of Packaging Groups), referenced in 35 Ill. Adm. Code 721.121.

49 CFR 174 (2017) (~~2014~~) (Carriage by Rail), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 175 (2017) (~~2014~~) (Carriage by Aircraft), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 176 (2017) (~~2014~~) (Carriage by Vessel), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177 (2017) (~~2014~~) (Carriage by Public Highway), referenced generally in 35 Ill. Adm. Code 733.118, 733.138, 733.152, and 739.143.

49 CFR 177.817 (2017) (~~2014~~) (Shipping Papers), referenced in 35 Ill. Adm. Code 722.124.

49 CFR 178 (2017) (~~2014~~) (Specifications for Packagings), referenced generally in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 179 (2017) (~~2014~~) (Specifications for Tank Cars), referenced in 35 Ill. Adm. Code 721.104, 721.986, 722.130, 724.416, 724.986, 725.416, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 180 (2017) (~~2014~~) (Continuing Qualification and Maintenance of Packagings), referenced generally in 35 Ill. Adm. Code 721.986, 724.986, 725.987, 733.118, 733.138, 733.152, and 739.143.

49 CFR 190 (2017) (~~2014~~) (Pipeline Safety Programs and Rulemaking Procedures), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 191 (2017) (~~2014~~) (Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 192 (2017) (~~2014~~) (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 193 (2017) (~~2014~~) (Liquefied Natural Gas Facilities: Federal Safety Standards), referenced generally in 35 Ill. Adm. Code 721.104.

49 CFR 194 (2017) (~~2014~~) (Response Plans for Onshore Oil Pipelines), referenced generally in 35 Ill. Adm. Code 721.104.

a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in ~~Section~~35 Ill. Adm. Code 721.101(c) (8));

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

c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

d) Hazardous secondary materials that are reclaimed in a continuous industrial process; and

e) Hazardous secondary materials that are indistinguishable in all relevant aspects from a product or intermediate.

~~f) Hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.104(a) (24) and are managed at a verified reclamation facility or verified intermediate facility where the management of the hazardous secondary materials is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727.~~

(Source: Amended at 42 Ill. Reg. , effective)

Section 720.131 Solid Waste and Verified Facility Determinations

a) The Board will determine that those materials that are accumulated speculatively without sufficient amounts being recycled are not solid wastes if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. Such a determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:

1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);

2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

4) The extent to which the material is handled to minimize loss; and

5) Other relevant factors.

b) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

2) The extent to which the material is handled before reclamation to minimize loss;

3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

4) The location of the reclamation operation in relation to the production process;

5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

6) Whether the person that generates the material also reclaims it; and

7) Other relevant factors.

c) The Board will determine, as provided in Section 720.133, that those hazardous secondary materials that have been partially reclaimed but must be reclaimed further before recovery is completed are not solid wastes if the partial reclamation has produced a commodity-like material. A determination that a partially-reclaimed material for which the determination is sought is commodity-like will be based on whether the hazardous secondary material is legitimately recycled, as specified in Section 720.143, and on whether all of the following decision criteria are satisfied:

1) Whether the degree of partial reclamation the material has undergone is substantial, as demonstrated by using a partial reclamation process other than the process that generated the hazardous secondary material;

2) Whether the partially-reclaimed material has sufficient economic value that it will be purchased for further reclamation;

3) Whether the partially-reclaimed material is a viable substitute for a product or intermediate produced from virgin or raw materials which is used in subsequent production steps;

4) Whether there is a market for the partially-reclaimed material, as demonstrated by known customers who are further reclaiming the material (e.g., records of sales or contracts and evidence of subsequent use, such as bills of lading); and

5) Whether the partially-reclaimed material is handled to minimize loss.

~~d) Where the management of a hazardous secondary material is not regulated by any of 35 Ill. Adm. Code 724, 725, 726, or 727, the Board will grant a verified facility determination, as provided in Section 720.133, from classifying as a solid waste those hazardous secondary materials that are transferred for reclamation under 35 Ill. Adm. Code 721.104(a)(24) and which are managed at a verified reclamation facility or verified intermediate facility. The Board's determination will be based on the following criteria:~~

~~1) The reclamation facility or intermediate facility has demonstrated that the reclamation process for the hazardous secondary materials is legitimate pursuant to Section 720.143;~~

~~2) The reclamation facility or intermediate facility satisfies the financial assurance condition in 35 Ill. Adm. Code 721.104(a)(24)(F)(vi);~~

~~3) The reclamation facility or intermediate facility has not been subject to a formal enforcement action in the previous three years and must not be classified as a significant non-complier under RCRA Subtitle C, or the facility has provided credible evidence that the facility will manage the hazardous secondary materials properly. Credible evidence may include a demonstration that the facility has taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials;~~

~~4) The intermediate or reclamation facility has the equipment and trained personnel needed to safely manage the hazardous secondary material, and the facility meets emergency preparedness and response requirements under Subpart M of 35 Ill. Adm. Code 721;~~

~~5) If residuals are generated from the reclamation of the excluded hazardous secondary materials, the reclamation facility has the permits required (if any) to manage the residuals, the facility has a contract with an appropriately permitted facility to dispose of the residuals, or the facility has presented credible evidence that the residuals will be managed in a manner that is protective of human health and the environment; and~~

~~6) The intermediate or reclamation facility has adequately addressed the potential for risk to proximate populations from unpermitted releases of the hazardous secondary material to the environment (i.e., releases that are not covered by a permit, such as a permit to discharge to water or air), which may include, but are not limited to, potential releases through surface transport by precipitation runoff, releases to soil and groundwater, wind blown dust, fugitive air emissions, and catastrophic unit failures), and the facility has included consideration of potential cumulative risks from other nearby potential stressors.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.142 Notification Requirement for Hazardous Secondary Materials

a) A facility that manages hazardous secondary materials which are excluded from regulation under 35 Ill. Adm. Code 721.104(a)(23), (a)(24), or (a)(27) must send a notification to USEPA Region 5. The notification must occur prior to operating under the regulatory provision and before March 1 of every even-numbered calendar year thereafter using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). The notification must include the following information:

- 1) The name, address, and USEPA identification number (if applicable) of the facility;
- 2) The name and telephone number of a contact person for the facility;
- 3) The NAICS code of the facility;

BOARD NOTE: Determined using the "North American Industry Classification System⁷", incorporated by reference in Section 720.111.

4) The regulation under which the facility will manage the hazardous secondary materials;

5) For reclaimers and intermediate facilities managing hazardous secondary materials in accordance with 35 Ill. Adm. Code 721.104(a)(24) or (a)(25), whether the reclaimer or intermediate facility has financial assurance (not applicable for persons managing hazardous secondary materials generated and reclaimed under the control of the generator);

~~656~~) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;

~~767~~) A list of hazardous secondary materials that the facility will manage according to the regulation (reported as the USEPA hazardous waste numbers that would apply if the hazardous secondary materials were managed as hazardous wastes);

~~878~~) For each hazardous secondary material, whether the hazardous secondary material, or any portion thereof, will be managed in a land-based unit;

~~989~~) The quantity of each hazardous secondary material to be managed annually; and

~~10910~~) The certification (included in USEPA Form 8700-12) signed and dated by an authorized representative of the facility.

b) If a facility that manages hazardous secondary material has submitted a notification, but then subsequently ceases managing hazardous secondary materials in accordance with a regulation listed in subsection (a), the facility owner or operator must notify the Agency within 30 days after the cessation using a copy of USEPA Form 8700-12 obtained from the Agency, Bureau of Land (217-782-6762). For purposes of this Section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages, or reclaims hazardous secondary materials under the regulation listed in subsection (a), and the facility owner or operator does not expect to manage any amount of hazardous secondary materials for at least one year.

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

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 720.143 Legitimate Recycling of Hazardous Secondary Materials

a) Recycling of hazardous secondary materials for the purpose of the exclusions or exemptions from the hazardous waste regulations must be legitimate. Hazardous secondary material that is not the subject of legitimate recycling is discarded material and is a solid waste. A determination that an activity is legitimate recycling must address all the requirements of this subsection (a) and must consider the requirements of subsection (b).

1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it fulfills one of the following criteria:

A) The material contributes valuable ingredients to a product or intermediate;

B) The material replaces a catalyst or carrier in the recycling process;

C) The material is the source of a valuable constituent recovered in the recycling process;

D) The material is recovered or regenerated by the recycling process; or

E) The material is used as an effective substitute for a commercial product.

2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if either of the following is true:

A) The product or intermediate is sold to a third party; or

B) The product or intermediate is used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

3) The generator and the recycler must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and which are not recovered immediately are discarded material.

~~4) The product of the recycling process must be comparable to a legitimate product or intermediate as follows:~~

~~A) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if both of the following conditions are true:~~

~~i) The product of the recycling process does not exhibit a hazardous characteristic (as defined in Subpart C of 35 Ill. Adm. Code 721) that analogous products do not exhibit; and~~

~~ii) The concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. Code 721 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely recognized commodity standards and specifications, where the commodity standards and specifications include levels that specifically address those hazardous constituents.~~

~~B) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if either of the following conditions is true:~~

~~i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or~~

~~ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).~~

~~C) If the product of the recycling process has levels of hazardous constituents that are not comparable to or unable to be compared to a legitimate product or intermediate as provided in subsection (a)(4)(A) or (a)(4)(B), the recycling still may be shown to be legitimate if the person performing the recycling fulfills the following requirements:~~

~~i) The person performing the recycling must conduct the necessary assessment and prepare documentation which demonstrates that the recycling is, in fact, still legitimate;~~

~~ii) The assessment and documentation demonstrate that the recycling is legitimate based on lack of exposure from toxics in the product, lack of~~

~~the bioavailability of the toxics in the product, or other relevant considerations which show that the recycled product does not contain levels of hazardous constituents that pose a significant human health or environmental risk;~~

~~iii) The documentation must include a certification statement that the recycling is legitimate, and the assessment and documentation must be maintained on site for three years after the recycling operation has ceased; and~~

~~iv) The person performing the recycling must notify USEPA and the Agency of the recycling activity using USEPA Form 8700-12.~~

b) The following factor must be considered in making a determination as to the overall legitimacy of a specific recycling activity. ~~This subsection (b) corresponds with 40 CFR 260.43(b), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules.~~

1) The product of the recycling process fulfills all of the following criteria:

A) The product must not contain significant concentrations of any hazardous constituents found in Appendix H of 35 Ill. Adm. ~~Code 35 Ill. Adm.~~ Code 721 that are not found in analogous products;

B) The product must not contain concentrations of hazardous constituents found in Appendix H of 35 Ill. Adm. Code ~~35 Ill. Adm. Code~~ 721 at levels that are significantly elevated from those found in analogous products; and

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

2) In making a determination that a hazardous secondary material is legitimately recycled, persons must evaluate all factors and consider legitimacy as a whole. If, after careful evaluation of these considerations, the factor in this subsection (b) is not met, then this fact may indicate that the material is not legitimately recycled. However, the factor in this subsection (b) does not have to be met for the recycling to be considered legitimate. In evaluating the extent to which this factor is met and in determining whether a process that does not meet this factor is still legitimate, persons can consider exposure from toxics in the product, the bioavailability of the toxics in the product and other relevant considerations.

~~e) This subsection (e) corresponds with 40 CFR 260.43(e), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the corresponding federal rules.~~

(Source: Amended at 42 Ill. Reg. _____, effective

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~~ILLINOIS REGISTER
POLLUTION CONTROL BOARD~~

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